National Service Board
for Religious Objectors

Congress Looks at the
Conscientious Objector

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going to start looking out of the kitchen window days before he ever arrives.

Then comes that day, and he is going to hop up those steps of the old home and put his arms around her, and her loving arms will encircle him as she says, "Oh, my son, you are back." "Yes, Ma, I am back." So there will be tea and there will be chocolate cake, and there will be that great homecoming when the crystal tears of the mother drop upon the shoulders of the so

Then he is going been. Why, he left him to a classificati sent him to San D or some other ca he landed in Gua was in the battle in the battle of Na group that went i when that great de to give a great r accounting as a n services, of how h ...ams. Oh, wha

There it is, Moses. You can go there now. But no. "I have caused thee to see it with thine own eyes, but thou shalt not go over thither."

Will there be frustrations like that when the boys come back, when they have battled in all the corners of the earth for freedom? Will they come back home and lift their eyes like Ishmael of old and say, "That gracious freedom under which we had free enterprise, under

ALUMINA FROM CLAY

The SPEAKER pro tempore. Under special order heretofore granted, the Chair recognizes the gentleman from Oregon [Mr. ANGELL] for 10 minutes.

Mr. ANGELL. Mr. Speaker, the great hydroelectric plants in the Columbia River Basin, Bonneville and Grand Coulee, are supplying the cheapest hydroelectric power in the United States. This vast reservoir of power is now being

traveling companions and I look back on my fellowship with them with lasting satisfaction.

Mr. President, it is a matter of interest to the Senate, I think, to be told that one of our former Members, Senator Gibson, of Vermont, is a lieutenant colonel in the Army. I saw him in New Georgia. He ...d been struck in the head by a shell ...nd if it had gone a little bit ...e been killed. As it

their grenades and armed himself with their pistols. After 42 days he was found, but declined to leave the island until his captured Japanese documents, which he felt were necessary for the Naval Intelligence, as well as the weapons, had been safely removed. That is the kind of boy I think of.

I think of Lt. Jack Kennedy, of Massachusetts, son of our former Ambassador to Great Britain, whose PT boat was cut

tion, he landed his seaplane there, and kept circling it on the surface of the water so that the plane would not stick in the slush ice which lay immediately below the few inches of water. Each time he went past the group of marooned men he r...ched ...r the side of his plane and ...lled ...ne of them. Only his extra ...hary ...ength enabled him to perfor... ... pulling into his plane, w... ...notion, men who

Congress Looks at the Conscientious Objector

would probably be true that, so far as the destruction of property and damage is concerned, air raids and bombings are more destructive than an onslaught by any army upon another army. But I wanted to be sure that the Senator from ...erlooking the great he marines in the ...n the driving back airplanes had sof... so that they felt ...essfully make an

...r. President, that I record and opinion ...g that I am saying reflection upon the ...age and the accom... ...ldiers and marines The distinguished ...cky has missed my campaign the Aus... ...ns had about 12,000 ...nen were obliged ...st the Japanese ...pe of battle that

...HOUSE SEPT...

page 89, question 8, which ... to the school children, and ... What effect do the President ... statements have upon the pe... What is your personal react...

Many other controversi... ...resented in this book—m... ...e issues presented by the ... The Indianapolis Times ...standing newspapers ...

...re is some doubt as to ...al Education Associatio... ...with the preparation o... ...appears under the im... ...of a subdivision of ...re is a clear trace of ... ...chers College, note... ...cational theory, ac...

...ere is no object... ...ation distributi... ...elects, there ...to the prepar... ...by a Federal ...ees, at publi... ...n time of w... ...most seric... ...bution an... ...extbook ...

...this h... ...ent: ...m as u... ...ess as us... ...any the cha... ...ce of that p...

...riod of an... ...that educ... ...rocesses of edu... ...griculture suff... ...ducation suffers n... ...ion for the distribut... ...ntriguing propaganda ...s and girls in the forma... ...heir lives to chart their tre... ...for the future years.

Mr. Speaker, our sch... should be taught the fund... government, together with ... or our Constitution, with th... subjects pertinent to the... study. This should continu... their proper grades in the p... These boys and girls will o... be called upon to assume t... bility of guiding the Natio... then determine those polici... chart the course which w... destinies. They are the ... whom there should be insti... cepts of government that ... fathers created, builded upo... to protect and preserve. ... children of today must co... taught that the American ... is soundly based on a gover... people, by the people and fo... that our Government is ... checks and balances, divide...

...s and industry. ...advocates a Gov... ...ade work, another ...tide us over the ...ct after the war. ...tax away all the ...egotiate or cancel ...order to get the ...proposed boon...

...hought is headed ...Vinson, Hull, and ...e should preserve ...f free enterprise, ...ect American In... ...om wartime pro... ...oduction with the ...ne, and while do... ...t at a high level. ...ndustry would be ...ves that industry ...build up during ...r that very pur... ...hought bases its ...reservoir of con... ...been dammed up

...campaign, ... Congress."

Mr. COLE of ... will the gentlem...

Mr. MASON. ... from New York.

Mr. COLE of ... man in his oper... the fact that in ... the Congress h... greater independ... previous 10 year... tleman will agr... Congress has bec... there are 40 or 5... bers in this Con... the Congresses o... the balance of p... lity and majority ... number of betw...

Mr. MASON. Yes; I think I would agree with that. That has brought about a well-balanced situation here which, of course, helps materially. I also wish to say that I have noticed many more signs

...drank so... ...could hold it in ...cluded he was ...stripped a Japs... ...washed up on th... ...some Japanese ... ...camp for himsel... ...on the island. ... ...sought him out ...

Mr. S... ...I must report t... ...group, or some one of them... ...in its efforts to place this boo... ...public schools as a textboo... ...own State of Indiana, many ... ...been made to place this bo... ...in This War, in our public ... ...textbook. The success of ... ...unknown to me, but I hav... ...ters from school men an... ...tirely disapproving of this ... ...book in our public schools ... ...it because it was filled w... ...on controversial politic... ...they deemed improper f... ...among the boys and g... ...schools. The book i... ...pared for use in our s...

Mr. ... ...openi... ...stater... ...of th... ...stamp...

Mr. ...

...dcle ...his is ...olitical in ...

...n of taxes and ...ation to the pay... ...legative suggestion, ... this statement: ...t important consideration ...in regard to such a proposal ...t not be used as a means of de... ...total taxes to be paid.

...ell remember some of the argu... ...presented on the tax bill, recently ...sed.

The frequently proposed spending tax is extolled by the writers of this book.

This propaganda production also speaks of strikes in wartime, stating they are not bad, it advocates against the enactment of a sales tax, it denounces the

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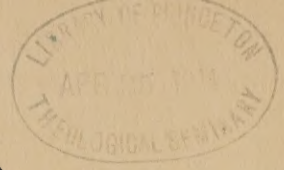

FOREWORD

To our knowledge, the subject of conscientious objectors has been discussed thirteen times by Congress since the beginning of the Selective Training Service Act of 1940, both in committee and on the floor of the Senate or House.

We are presenting herewith, chronologically and with little comment, the complete text of all those discussions in what we hope will be an interesting and revealing study of the peace and wartime attitudes of our lawmakers towards the conscientious objector.

Many witnesses, particularly at the time of hearings on the original draft act, began their remarks by reading prepared statements. Because it is our intent to present primarily the reactions of Congressmen to the subject, rather than the arguments of witnesses, we are including the latter in an appendix and devoting the bulk of the study to question and answer testimony involving the legislators.

Also, because of restrictions of space, we were forced to leave out all that testimony which didn't adhere strictly to the problems of conscience, but which opposed in more general principles, for example, the Selective Service Act or manpower draft.

A partial list of these omitted witnesses would include:

Roland Watts, chairman of the Baltimore Peace Conference
Catherine Fitzgibbon, Women's International League for Peace and Freedom
Joseph Zarella, business manager, The Catholic Worker
Josiah R. Bartlett, Youth Committee Against War
Eugene M. Lerner, president, class of 1940, George Washington University
Miss Claire Neikind, New York Division, American Student Union
Edwin C. Johnson, Committee on Militarism in Education
Oswald Garrison Villard
John Nevin Sayre, Fellowship of Reconciliation
Rt. Rev. Barry O'Toole, Catholic University of America
John M. Swomley, National Council of Methodist Youth
Norman Thomas
Emily L. Eaton, Women's International League for Peace and Freedom
Miss Dorothy Detzer, Women's International League for Peace and Freedom
Charles F. Boss, Commission on World Peace of the Methodist Church
Robert C. Judd, Geneva Peace Fellowship, International Council of Religious Education
Rev. Owen A. Knox, National Federation of Constitutional Liberty
Thomas J. Reardon
David Watley
Rev. Alva Tompkins, Fellowship of Reconciliation
Mrs. Josephine Truslow Adams, Committee for Peoples' Rights

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December, 1943

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CONSCRIPTION

The echoes of World War II reverberated heavily through the United States during the summer of 1940.

France fell in June. Shortly afterwards the bombing of Britain began, tentatively at first but rising to a furious crescendo the following fall. In British Somaliland, Italians were ousting the tiny Crown garrison with comparative ease, while in the Pacific, Japan was warning Allies and Axis alike to keep hands off French Indo-China.

Rumors were thick in Washington that summer and fall that Britain was doomed. Political conventions of both parties thundered preparedness, aid to England and "Keep America out of War." The destroyer deal was in the air and the embryo of Lend-Lease was making the Neutrality Act a meaningless gesture.

Despite the thunder, the American Army, drilling with trucks masquerading as tanks, was having difficulty building up its strength to its original goal of 280,000 volunteers. Early that year, Congress raised the limit to 375,000, and President Roosevelt crystallized the talk of impending conscription by announcing plans for what he called "Government Service", to remove the stigma of the word "military".

Backed by a Gallup poll that summer that showed 67 per cent of the American public in favor of the proposal, peacetime conscription was swept into legislation. A New York attorney, Grenville Clark, wrote what was to become the final Selective Training and Service Act of 1940, elaborated and introduced by Senator Burke and Representative Wadsworth. Through July and August, Congressional committees held hearings on the bill.

Along with conscription arrived the problem of the conscientious objector. The original bill provided only that the members of the historic peace churches be allowed noncombatant service, if judged sincere, the same terms offered C.O.s in the First World War.

Admittedly the question was not high on the priority list of the Congressional committees debating the bill, and the general public was hardly aware of the problem. To a few religious and liberal minorities directly concerned however, the subject was an issue of first importance. In the limited time available they passed resolutions and sent spokesmen to Washington.

The story of what happened will be found in the following pages.

TESTIMONY BEFORE THE HOUSE MILITARY AFFAIRS COMMITTEE, JULY 10 TO AUGUST 2, 1940, DURING HEARINGS ON THE SELECTIVE TRAINING AND SERVICE BILL.

Statement of Major Lewis B. Hershey, General Staff, War Department. (All of Major Hershey's testimony except that relating to conscientious objectors is omitted.)

John J. Sparkman (Ala.): I was reading the provision about the conscientious objector, and it appears to me on that that he is required to be a member of some religious group which has as its doctrine or principles objection to participation in war.

Do you not believe that the bill ought to be changed so as to take care of the individual conscientious objector?

Major Hershey: In the World War by administration they did that. You are speaking of something that I have a great deal of sympathy with, but I have not arrived at, perhaps, the best solution. Unquestionably if we could find the man and know that he is, in fact, whether he belongs to a creed or whether he does not, a conscientious objector, we should try to the utmost to do something about it. We have had quite a little dealing with several of these people that have met us and discussed the matter with us and I think that they are very honest about it. Of course, on the other hand, you have this great group of people who are not honest, that are trying to run in under the tent if someone else puts it up, and somewhere in there I think that we should contrive a solution, but it is a little difficult.

Mr. Sparkman: That is all.

Statement of C. S. Longacre, general secretary, Religious Liberty Association of America. (The prepared statement of Mr. Longacre will be found in the appendix.) Mr. Longacre represented the Seventh Day Adventists.

Mr. Charles I. Faddis (Pa.): As I understand you, Doctor, you do not object to registration.

Mr. Longacre: Oh, no.

Mr. Faddis: And you do not even object to compulsory training so long as the individual who has religious convictions against killing somebody is placed into a noncombative branch of the service.

Mr. Longacre: We believe every American citizen should help protect his country. Christ has said "Render unto Caesar things that are Caesar's."

Mr. Faddis: That is a very fine attitude.

Mr. Longacre: We believe that. We believe that as noncombatants we should share to the best of our ability.

Mr. Faddis: So long as that man is not placed in combative service you have no objection at all?

Mr. Longacre: No objection at all.

Mr. Sparkman: May I ask a question?

The Chairman (Andrew J. May, Ky.): All right.

Mr. Sparkman: Doctor, as I understand your proposed amendment, it seems to me the purpose is—and it seems to me it is not fair in effect—you give to the individual who is a member of some organization the right of conscientious objection. I can conceive of an individual who might not be a member of any religious organization, and who might have conscientious scruples. As I understood it, it said he should be a member of some organization whose creed does not teach those things.

Mr. Longacre: Yes. And then add after that "Or any person who has conscientious scruples against the bearing of arms".

Mr. Sparkman: I missed that part of it.

Mr. Longacre: Abraham Lincoln never belonged to any church, yet he was a good religious man, he had religious beliefs, and his conscience ought to be protected if we have more like him.

Mr. Sparkman: Doctor, you mentioned noncombative services. What do you construe to be noncombative service? For instance, if a man is serving on a battleship, do you construe certain service on a battleship to be noncombative service? For instance, take any service, such as the firing and the engineering men, what do you construe those to be?

Mr. Longacre: President Wilson, you remember, was given authority to define what constituted noncombatant service in the

World War, and the definitions he laid down as to noncombatant service and the lines of work he prescribed were in full agreement with our religious convictions on that subject. I do not think anybody could have laid them down any more clearly than he did.

Mr. Faddis: I would like to have them out of you.

Mr. Longacre: He regarded munitions factories as inconsistent with their faith.

Mr. Faddis: He regarded the munitions factories as inconsistent with their faith. That may be very important as time goes on.

Mr. Longacre: I should think work on battleships where they did not actively fire a gun would not be combatant.

Mr. Faddis: For instance, in the army on the line would you construe noncombatant service as hauling munition to guns, cleaning guns, taking care of horses connected with guns, driving tractors connected with pulling guns, if tractors were used, or carrying the ammunition up and handing it to the man who fires the gun and so forth?

Mr. Longacre: Some of those things you mentioned, handing the ammunition to the fellow, comes pretty near the same as working in ammunition factories.

Mr. R. Ewing Thomason (Tex.): He is a co-conspirator.

Mr. Longacre: He is an aider and abbetor.

Mr. Faddis: There must be some place to draw the line as to your suggestions. We will have to draw some line somewhere.

Mr. Longacre: Yes.

Mr. Faddis: And we might as well start now and have some understanding where we are going to draw that line. Everybody recognizes in the service, both on board a battleship or in the army that there are certain types of service where men do not actually resort to lethal means to assist in conducting whatever engagement may be on hand.

Mr. Longacre: Yes, sir. Our denomination has appointed a war service council and in that council we have laid down certain lines of work.

Mr. Faddis: All right, we will be glad to have them.

Mr. Longacre: They are medical, nursing, cooking, first aid, dental, embalming, band music, accounting, secretarial, printing, electrical, mechanical, carpentry, surveying, tailoring, shoe repairs, and so forth. All of these lines are suggested but there are many other lines of noncombatant service which we could engage in consistently besides those.

Mr. Faddis: For instance, in the Signal Corps, laying wires.

Mr. Longacre: And engineering, we can do that.

Mr. Faddis: Yes, engineering.

Mr. Longacre: And building trenches and fortifications. That is for defense for saving lives.

Mr. Faddis: And in taking care of radio equipment.

Mr. Longacre: Yes, sir, all of that.

Mr. Faddis: And laying telegraph lines.

Mr. Longacre: Yes, sir. There are hundreds of lines of service we could engage in consistently.

Mr. Faddis: Yes, sir, there are many.

Mr. Longacre: And are there other questions?

Mr. Thomason: Do you anticipate, Doctor, there will be much fraud or deception attracted by those who are not sincere and consistently opposed to combat?

Mr. Longacre: We require every one of our boys to have a certificate furnished to him by the pastor of the church of which he is a member, and he takes it along with him.

Mr. Thomason: That shows he is a good member?

Mr. Longacre: Yes, sir.

Mr. Thomason: And it has existed prior and some time before the war ?

Mr. Longacre: That was required in the Executive Order.

Mr. Thomason: I am very glad to hear you say that because I can visualize the situation where a man who is not either patriotic or religious might abuse this privilege.

Mr. Longacre: I might say during the World War quite a few tried to get in under our colors and get the same privilege we had who were not in our church. For instance up in Camp Lewis in Washington, 800 of our boys went to General Clark and asked him for that privilege, asking for the privilege of being exempted from bearing arms, and also from Sabbath duties on their Sabbath, which General Clark granted to them. And some of the other fellows came along and said we do not believe you should grant that privilege to the Seventh Day Adventists unless we have the same privileges

that are granted them. The General said, "All right; are you willing to work hard every day on bread and water in order to live up to your convictions?" And they said "No". Then he asked them, "Are you willing to be lined up and be shot down rather than give up your convictions?" They said "No". Then he said, "Then you have not any religious convictions, you are simply contrary".

Mr. Thomason: I am very glad to hear you say that.

Mr. Longacre: He said, "That is the best way to test them out, put them on bread and water," and he also told them that they were going to be shot. And he said, "Then we know they are sincere."

The Chairman: May I ask you this question then: As I understand your proposition it simply heads up to this: Your group has general conscientious objections, and otherwise you stand for the defense of this country in all of its details.

Mr. Longacre: That is just exactly where we stand.

Mr. Charles H. Elston (Ohio): Doctor, I would like to ask you this: Is there any period of time you think a person should belong to a religious organization before he should be exempt under this law? What I am thinking of is this: How about the fellow who gets in when he hears there is going to be a bill of this kind for the purpose of evading service?

Mr. Longacre: In the last bill there was a definite date fixed.

Mr. Elston: You think a specific date should be fixed?

Mr. Longacre: Yes.

Mr. Elston: And they should belong for a certain period of time preceding the passage of the act.

Mr. Longacre: Of course, if this amendment I have suggested is adopted—it has already been adopted by the Senate Committee—it would not necessitate that because you could take the individual himself who is not a member of any church.

Mr. Elston: What do you think of the test of the individual's views should be? How are you going to determine when he became a conscientious objector?

Mr. Longacre: Mr. Chairman, I do not believe it is the prerogative of any man to sit in judgment on the motives of another man's heart. I do not think it is a thing for the Government to decide.

Mr. Elston: Do you think the mere declaration that he is a conscientious objector should be enough?

Mr. Longacre: Well, I do not know. I think I would want to test him out somewhat to see if he was sincere or not.

The Chairman: The doctor gave a test a while ago.

Mr. Elston: There might be some difficulty in that test.

Mr. Longacre: Sometimes that test might be used. I do not believe you should adopt punitive measures to test that out.

The Chairman: Does anyone else have any questions?

Doctor, I want to just ask you one other question. The position you take here, and the views you express with reference to conscientious objections are about the same attitude that the Baptist, Methodist, and other religious organizations take generally?

Mr. Longacre: Yes; the same attitude they take generally. And there are cases of Baptists, Methodists and Quakers that take the same attitude we do.

The Chairman: Yes. The reason I asked that question is this: Here is a case of intelligent, capable legislators without any bias or prejudice in this matter, and whose view would be toward leaving out military activities if they could, since you have presented to the committee in a very clear and able manner the very question involved in this matter, I did not want to take up the time of the Congress and this committee in hearing ministers and representatives of religious organizations any further from all over the country when their views are the same as yours. I am getting streams of telegrams from Philadelphia and New York and other places about this bill.

Mr. Longacre: I am not speaking for them. I am just speaking for the Seventh Day Adventists.

The Chairman: We understand that, but your testimony is their testimony.

Mr. Longacre: I think so. We have courses in our colleges teaching these noncombatant courses. We have several colleges and we have four junior colleges in which we give these courses the same as the R.O.T.C. similar to it, but of course in noncombatant lines of service. We are training them for the medical service, largely for hospital work.

We have 85 sanitariums, large sanitariums, and we have nurses, men and ladies who are being trained.

The Chairman: In other words, your group is intensely interested in furnishing to the country the very best service they can in medical, nursing and all those activities?

Mr. Longacre: We want them to be just as expert in their line of services as the men are in the military services.

The Chairman: Yes, certainly.

Mr. Longacre: We have over 300 men training in Takoma Park in the medical cadet corps. They will soon finish their service. In the last World War we got caught unprepared.

The Chairman: That is where the committee thinks we are probably caught now.

Mr. Longacre: I believe in preparedness, because some time ago when I went through the Senate I met Jack Dempsey. As I met him I was not inclined to pick any fight with him. He overtowered me with strength and everything. He awed me with fear, I was not going to pick any fight with him. I learned a lesson of preparedness. I believe in organization, I remember that lesson as a kid. I went out in a clover field with a little paddle and I killed over 100 bees single-handed and alone and unorganized.

The next day I started down the lane and I saw a bumble bee flying around an old stump. I struck at him and missed him. He went back in the stump and there were just six bumble bees but they drove me down that lane. But the 100 the day before I handled without any difficulty. So I believe in organization.

The Chairman: All right, sir, thank you.

Mr. Longacre asked also for an amendment protecting the Sabbath observance of Seventh-Day Adventists in the army. Adventists had a great deal of trouble with this point in the last war, he said.

Statement of Howard K. Beale, representing the American Civil Liberties Union. (We are omitting Dr. Beale's prepared statement because of its similarity to his statement before the Senate Military Affairs Committee. His full testimony before that body will be found in the appendix.)

Mr. Beale: If there are any questions, I would be very glad to answer them.

The Chairman: Thank you very much.

Mr. Overton Brooks (La.): Would your group like to protect the minorities in this country known as the "fifth columnists"?

Mr. Beale: No, we would not.

Mr. Brooks: Would you take up arms against them?

Mr. Beale: We would not want to protect them and I do not think that you would be protecting them if you set up proper safeguards for genuineness.

Mr. Brooks: Would you be willing to take up arms against them?

Mr. Beale: I cannot speak for every individual in this, because the point is that there is a matter of individual conscience; they are people, you see. There are degrees of conscientious objectors. There are the absolute objectors, and they would say that they could not take up arms against anybody; and there are others, there are people who would say that they can defend their own shores and nothing else; and the people, I'm talking about, I believe, in general believe in nonviolence to the extent that they could not take up arms against anyone, but they certainly do not approve of that sort of people and would use great moral force. And I still believe that has validity in the world against people who are unpatriotic and un-American.

Mr. Brooks: Would you favor condemning communism?

Mr. Beale: I certainly do not believe in communism; I believe in Americanism. I believe a part of Americanism is to protect the right of communism or any other party with whom you disagree; as Thomas Jefferson said, to speak provided he does not resort to violence. I believe in freedom of discussion for all people, however much I disagree with them, because, like Thomas Jefferson, I believe the truth will win out if reason is left free to establish it.

I certainly do not want to be put in the position of approving of those people who are trying to destroy America, if that is what you mean by "fifth columnists". It is a term that is a little vague, but I think I know what you mean, and my organization certainly has no desire to protect them in any untoward action toward America, and I do not think with the civil tribunal that we have proposed and the test of genuineness in this matter that they would be protected or would come under our protection. We certainly do not want to protect people who would use force against America; that is the last thing in the world that we would want

to do. We feel that we are standing on Americanism.

I just want to say one more word, Mr. Chairman. I forgot it before, and that was that I do not think Mr. Longacre, who spoke this morning, who spoke for the Seventh Day Adventists, really spoke adequately for the conscientious objector in general. I respect their position, and I think he knew his own denomination's stand very well; but I do not think that he spoke for conscientious objectors in general this morning. He was speaking primarily for his own group, and that is why I so wanted to present the larger point of view.

The Chairman: All right, sir.

Statement of Amos S. Horst, Akron, Pa.

Mr. Horst: I am a minister in the Mennonite Church. I am here instead of Mr. Orie Miller, who is secretary of the peace division of our church. He could not be present, and so I am here in his stead.

If I may, please, I will read a short statement giving the position of the Mennonite Church in past years and at the present time for your consideration.

(Mr. Horst's statement will be found in the appendix.)

The Chairman: Mr. Horst, of course you are sincere in your statement here and in your belief, and in your conscientious objection. Now suppose that all of our people were thus conscientiously opposed to war and Mr. Hitler should come to town with a few tanks and guns, armored cars, and mechanized troop divisions: what could we do about it?

Mr. Horst: Of course, technically, the problem as you state it there is the belief in the controlling power of God overruling the situation even among nations. Now, your question was, if all were like that, then the question may be reversed; if all were that way, then the possibility might not be.

The Chairman: Let us assume that any major portion of our population was that; let us say less than a majority of them, say 25 per cent of them.

Mr. Horst: I am not here particularly to oppose the bill. I simply make this suggestion as to section (7) and submit it for your consideration, and you will find a number of persons, if mobilization is put into effect, or in operation—you will find a number of persons who will take that position.

There are at the present time about 125,000 Mennonites in the United States in the different branches, and among them are about 4,000 urban folks and about 16,000 rural folks, between the ages of 18 to 30, if I have the figures correctly. So the problem will be met somewhere along the way and I simply suggest this for your consideration and I will submit it in that way.

Mr. Faddis: Now, Mr. Horst, where do the members of your religious sect come from?

Mr. Horst: From Holland and Switzerland.

Mr. Faddis: Why did they come to this country?

Mr. Horst: Because of the pressure, if I understand it correctly, of the training for military service and the pressure brought upon them for military service for their country; I think that is why they came here.

Mr. Faddis: And for no other reason?

Mr. Horst: Not that I know of. They went through quite some hardships to get to this country at the time.

Mr. Faddis: Yes, I know them. They are a very fine class of people, very industrious and very frugal and all that, but they came here to escape persecution, did they not?

Mr. Horst: I am not sure that that was it; many of them were ready to lay down their lives, whatever that would be, and if that was the price.

Mr. Faddis: Well, since they have been here they have enjoyed the free institutions of the United States, is that true?

Mr. Horst: Yes, sir.

Mr. Faddis: Now, how are they going to continue to enjoy those free institutions if they are not willing to do their part to preserve them, to preserve these free institutions? They are all institutions that we value. They are institutions that all of mankind have valued for centuries and centuries, and people have come to this nation from all over the world in order to enjoy our free institutions, and we have extended these institutions and we have granted them in as broad terms as possible, and now it seems to me and it seems to a great many other people today, and in fact it seems to the majority of the people today, as if the world is threatened with a condition which is going to extinguish these free institutions.

Now, if they ever were valuable enough to fight for, and our forefathers believed

they were and they fought for them, and the members of your sect as well as of other sects have enjoyed the benefits of these free institutions down to the present time, do you not think that it is rather a selfish position to say the least for people to be willing to live under the protection of the free institutions and that other men must fight and die for them if they are to be preserved?

Mr. Horst: I realize that that is your viewpoint of it; I appreciate your expression there, too, in that, and we appreciate the country that we live in. We are not ready to pull stakes and pull out. We do not want to do that unless it is necessary.

Mr. Faddis: On the other hand, you are willing that the other men of the other religious sects should give us their lives to defend the rights that you value. Now that is a true situation, is it not?

Mr. Horst: But is it not a fact, too, that it comes back to the point where we put our trust in arms and not in the Lord?

Mr. Faddis: All right, sir. Then if you put your trust in a manner of that kind, why did you leave these other nations and come to this nation originally? Why did you not depend on that trust before you came to this nation? Did that save you? Did that save Holland? Did that save Belgium and did it save Norway, and those nations, and people that were not going to go to war; they were going to put their trust in something else except force of arms. But that did not save them and war came to them, which was much more horrible than if they had gone to war. They lost. They can never win. They can never win again unless some other nation by dint of expending its blood and its money set them free, those nations can never be free again, they can never enjoy the free institutions that they once enjoyed, unless some other nations make a sacrifice, unless some other men are willing to sacrifice their blood and their treasures and their sons in order to get them free, they can never be free again. Somebody will have to sacrifice in order to restore that freedom there and if we permit it to be extinguished in this nation as it will be unless men are willing to defend it with their lives, then you or no one else can enjoy it.

Mr. Horst: Well, Mr. Chairman, I appreciate the time that I have had and I thank you for it.

Mr. Forest A. Harness (Ind.): Well, Reverend Horst, along the lines of the questions the chairman put to you, you have no doubt that religious freedom has been taken away from the people in Germany under the Hitler regime.

Mr. Horst: It appears that way. Of course, I am not well informed on that.

Mr. Harness: That is the very thing that we are endeavoring to defend ourselves against, is it not, in this country?

Mr. Horst: It appears that way.

Mr. Harness: Well, is it not a fact we are trying to preserve our people the constitutional privileges of religious freedom and other privileges, are we not?

Mr. Horst: That is what the government is here for, of course.

Mr. Harness: Now, can you suggest any other means of doing this than by a resort to actual combat if we are invaded?

Mr. Horst: Not for the government, so far as that is concerned. It has to do again with the individual conscience and his faith in the Lord. We simply present this for your consideration. I hope we can happily appreciate each other's experiences.

The Chairman: Is there anything else?

Mr. Paul J. Kilday (Tex.): Mr. Horst, whether your position is agreed to by the gentlemen on this committee or not, that is your sincere belief of your Christian attitude of it, is it not?

Mr. Horst: It is our Christian attitude and the reason we present it is for your consideration.

Mr. Kilday: I would feel that it should be respected and I hope the committee and Congress does see fit to include provisions that will respect the sincere beliefs of all groups, and at the same time eliminate those who attempt to take advantage of the things that you have believed in through the centuries. I hope that we are able to do it.

Mr. Horst: I think it is the position of our group that we want our government to finally determine the status.

Mr. Kilday: Whether it seems consistent to others or not, that is your sincere belief and I believe you are entitled to be protected.

Mr. Thomas E. Martin (Iowa): Are you asking any different protection now than you were accorded during the World War?

Mr. Horst: Not as to the handling of the conscientious objector. Instead of inducting him into the army, it is proposed that there be an amendment that would make an arrangement that he would not need to be taken out of the army which makes an un-

pleasant experience for the officer or whoever it is.

Mr. Martin: The people of your faith were satisfied with their treatment during the World War?

Mr. Horst: Yes, sir. We were.

Mr. Martin: That was my impression, that you are not asking anything more now than you were accorded during the World War in 1917 and 1918.

Mr. Horst: We simply suggest that one consideration, so that it is congenial for your officers and persons, whoever might be involved, that they do not have the unhappy experience of dealing with a person for a while with the other soldiers, and then finally taking him out of the army. It is the conviction and belief as was stated here, and that is the only point that I have for your consideration.

Mr. Martin: That was respected in 1917 by our government.

Mr. Horst: I think so and we appreciated it very much.

The Chairman: Is there anything else?

Mr. Sparkman: You are not asking recognition for just your group, but you are asking us to recognize that there is such a thing as an individual conscience?

Mr. Horst: Yes, sir.

Mr. Sparkman: And that individual conscience is to be respected so long as it is sincere?

Mr. Horst: That is the way we feel about it.

Mr. Sparkman: And that is the traditional thing in our history, is it not, and our country's handling of affairs in the past?

Mr. Horst: I think so, and as it was in the World War, Mr. Stone and Mr. Mack and Mr. Kellogg, I think they finally determined the status of the men, and we appreciated it very much.

The Chairman: Thank you very much.

Statement of Paul C. French, Philadelphia, Pa.

The Chairman: Mr. French, will you come around please, sir, and do you desire to testify on this?

Mr. French: I do.

The Chairman: Where do you live?

Mr. French: In Philadelphia.

The Chairman: Are you a minister?

Mr. French: No. I am a member of the religious Society of Friends.

The Chairman: Will you describe the organization briefly to the committee and then go ahead and make any statement that you wish to.

(Mr. French's formal statement will be found in the appendix.)

The Chairman: Let me ask you a question. Somebody representing the conscientious objector here today said that they would have no objection to performing such services as driving an ambulance and taking care of the wounded and that is a humanitarian employment. What difference is there in the man at the front with a gun aimed on his fellowman to shoot him and the fellow who is back in the warehouse somewhere packing the cartridges and sending them to him to continue shooting?

Mr. French: According to the Quaker view point, there is no difference. That is why we are particularly anxious to see a provision in the bill for alternative civilian service. During the World War the American Friends Service Committee operated in France doing construction work in French villages and many of the conscientious objectors were furloughed by the War Department to the American Friends Service Committee. We are perfectly willing, and the Friends are perfectly willing to do anything on any constructive job there is to be done. At the present time we have work camps around the country where boys are paying their own expenses for the summer, to do a physical job of labor to help people that need it. We think that that is a constructive piece of American citizenship, and we would like to do that.

The Chairman: I think the preservation of conscience is a very important thing, and freedom of conscience is a very important thing. That is one foundation upon which our structure of government is built, but don't you think that along with this freedom of assembly and freedom of speech that we have got in the Constitution has been stretched quite a bit when you get about 10,000 people in Madison Square Garden some night to denounce the government and everybody in it, with the police force and get out and go as they please and do as they please?

Mr. French: Of course, we are not concerned with that, sir; we are concerned with this conscientious right.

The Chairman: Don't you think there should be some provision to take care of that group as well as the conscientious objectors?

Mr. French: We are not trying to get exemption for any person who has not the deep, conscientious conviction, and we believe any person who takes this position in wartime when the popular sympathy is in favor of war is taking a hard road. It would be a much easier proposition for a person unless they were deeply convinced that they could not do it, to go into the military service, and we believe that anyone who takes that position is doing it from rather deep convictions and rather a sincere conviction. If a person had merely a casual feeling of this, it would not hold up very long under the difficulties that are presented from a social and business viewpoint.

The Chairman: Undoubtedly that is true, but what I asked you was this: What do you think about "fifth columnists"; what ought to be done about them?

Mr. French: I don't feel that I would be competent to advise you, sir.

The Chairman: All right, sir. I will withdraw the question.

Mr. Faddis: Do you have any members of your religious denomination in Germany?

Mr. French: We do, sir.

Mr. Faddis: How are they faring today?

Mr. French: The Quaker units in Holland under German occupation and in Germany are still functioning. We just had a very interesting account last night from a member of the Service Committee of the Quaker unit functioning in Bordeaux when the German army came in. They had been feeding Spanish refugee children, and as soon as the German army of occupation landed, naturally they were a bit concerned as to what was going to happen and they went to the commanding general and asked what their position was to be, and the two ranking officers of the German army told them that they had been fed by the Quaker relief organization 20 years ago, and to go ahead and operate as they had.

Mr. Faddis: You have not answered my question. I asked: Have you any units of your church in Germany?

Mr. French: Very few. I think that there are 200 or 300.

Mr. Faddis: How are they faring?

Mr. French: I do not know.

Mr. Faddis: Have you made any effort to find out?

Mr. French: We have tried to find out, and I do not know.

Mr. Faddis: You have not been able to get any word to them of any kind?

Mr. French: Well, the Service Committee, the American Friends Service Committee, have been functioning with relief work there, but I do not know how the individual members of the Society of Friends there are treated. I am not trying to evade your question. I do not know.

Mr. Faddis: That is what I am trying to approach. I have been trying to find out if you have been able to get in communication with the unit.

Mr. French: I think one of the other men here could answer that, Mr. Raymond Wilson. Would you care to answer for them?

I think he could probably answer the question you are asking.

Statement of Raymond Wilson, of Philadelphia, Pa.

Mr. Wilson: There are approximately 300 members of the Society of Friends in Germany, and by and large, they have been able to carry on their normal private life, although naturally they have been very much restricted because of their opposition to the present German government regime. They have kept the German government informed all the time of their opposition to military service, and the sort of thing which the National Socialist regime represents.

Mr. Matthew J. Merritt (N. Y.): Does the German government pay any attention to their objections to military training?

Mr. Wilson: So far no German Quaker that I know of has had to serve in the German army against his own conscience.

Mr. Faddis: But he has had some part in the entire program?

Mr. Wilson: Of course, it happens that most of the members of the Society of Friends in Germany are adults. There are few men of military age.

Mr. Faddis: If there were any of military age, their conscientious scruples would be respected in Germany, would they?

Mr. Wilson: Well, there are men in Germany who have been willing to go any

amount of sacrifice for their ideals. I do not know how many. I was told by a friend of mine who came back from Germany about 30 days ago that there were probably more than 100 conscientious objectors in Germany that have been shot as C. O.'s.

Mr. Faddis: What became of their families?

Mr. Wilson: I do not know that, sir.

Mr. Faddis: It is rather hard on a man's family if he were shot in Germany, would it not be?

Mr. Wilson: But that represents the willingness to which many conscientious objectors are willing to go for their faith. I myself was in France and England about two months ago, and there were conscientious objectors there in those countries carrying on.

Mr. Faddis: I will ask you this question: Now that is very beautiful in theory, no doubt, but I will ask you this question: Have any sects of that kind ever built any nations that brought blessings to the people that live in the nations?

Mr. Wilson: Well, I should leave it to some one outside the Society of Friends to say what contributions the Society has made.

Mr. Faddis: Are there any records in modern history?

Mr. Wilson: For 70 years under William Penn, Pennsylvania was one of the best governed colonies.

Mr. Faddis: I happen to be a member of the House from Pennsylvania and I am well acquainted with the history of the State of Pennsylvania. There is a lot of history connected with all of that, and it was said that we had no Indian wars because of the policy of William Penn toward the Indian, but it happens that the bloodiest Indian wars in the United States and the wars of the greatest duration happened in the State of Pennsylvania.

Mr. Wilson: But not during the time of William Penn. That was afterward.

Mr. Faddis: It was largely as a result of William Penn's policy that these Indian wars happened, and were as violent as they were. You must remember that William Penn adopted the policy of buying the Indians' lands and he kept putting the Indians west until those Indians that were pushed west met the Indians that were not going to let them come any further, and then they had to turn on the white people. They got them out of the road in the eastern part of the state, all right, but they shoved them into the western part of the state where they came in contact with the Indians who lived in the Ohio country, and then there was no place for the Indians to go any further, so they naturally turned on the white people.

Mr. Wilson: Well, if William Penn's policy had been followed by all of the other white settlers, with fair treatment to the Indians and a strict observation of the treaties, I don't think there would have been the kind of Indian warfares we had.

Mr. Faddis: I believe myself that we might have averted a lot of our Indian trouble, that is true.

Mr. Wilson: And the record of the white man and his treatment of the Indian is anything but an honorable one.

Mr. Faddis: We did not do that, and human nature is always imperfect.

Mr. Wilson: What we are discussing here this afternoon is primarily not the theory of the conscientious objector, about which there is a difference of opinion here, but an attempt administratively to set up and protect him by providing that he shall be under civilian control, that his conscience shall be respected, and that he shall not be required to do something which he feels is morally wrong; and he shall be given an opportunity within the limits of his own conscience to try to serve his country, his humanity and his God.

Mr. Faddis: I appreciate that, I am sure we all do, and I hope we can work out a proper solution to that question for several reasons. First, as members of Congress and members of a democracy we like to see the freedom of religion respected insofar as possible. And, secondly, I am sure if I were to go out and command the troops—and I may —I don't want any conscientious objectors in my regiment at all. I would rather they would be some place else. They would be more bother than they would be worth, and a bad example to the other men. You could not do anything with them in the way of soldiers and somebody would have to be doing the fighting in a war and I am sure no man who would command the troops would want them.

I am sure that if we can work out some place where they can be put to whatever services may be necessary, and they conform to their conscientious scruples, it will be very fine. But on the other hand, everybody must realize this, that in the end we

cannot permit a lot of loopholes to come in this law in this shape. It will be like trying to seine fish with a hole in the net, when you draw your net, they have all gotten out of the hole. And we don't want all of them to get out of this hole that evidently we are going to have to provide.

But I want to make the observation again that I made before, and I believe it is selfish in any sect of people to be willing to enjoy the benefits and blessings of a free nation and not be willing to sacrifice the same as other people to maintain them.

Mr. Wilson: They are willing to sacrifice but they don't believe in compulsory military service, that that is the kind of sacrifice.

Mr. Faddis: They are not willing to sacrifice as much as other people because they are not willing to go down the line 100 per cent.

Mr. J. Joseph Smith (Conn.): In that respect the Friends have in the past, while maintaining their opposition to military service as such, been willing to serve in dangerous positions, and sacrifice their lives if necessary.

Mr. Wilson: Yes, I think that there were 16 men who died in the unit in Poland and in the work in Europe from typhus and other efforts right after the World War, in trying to combat the effects of the war.

The American Friends Service Committee built villages and they did construction work in a great many of the devastated areas of France, and they were the first group to go into Germany after the armistice; they supervised the feeding of 1,200,000 children in Germany; and they were active in Poland and Austria and Russia, and I submit the Society of Friends has seen more of the devastation of war and have tried to do what they could to meet it than any group of its size in the world.

Mr. Smith: There is no objection to service as long as it is not in conflict with their conscientious scruples.

Mr. Wilson: And the Society of Friends is not antigovernment and not antisocial, but it does draw the line at the point of military service.

The Chairman: It is illustrated by this, I take it, that one of the conscientious objectors would rather be killed conveying a wounded man to a hospital in an ambulance than killed out on the battlefield.

Mr. Wilson: The sincere conscientious objector is not afraid of losing his life; he doesn't want to take anyone else's life.

Mr. Sparkman: I meant to ask the other gentleman who was up here about the amendment that he has submitted here, and now as I understand it, that does not meet with your ideas completely, but it does represent a compromise agreement arrived at in a discussion between you gentlemen and representatives of the War Department.

Mr. Wilson: Yes, sir. There were two other provisions that we felt would make the administrative machinery of this more adequate. One was that the overhead authorization should be in the Department of Justice for the handling of conscientious objectors. This compromise arrangement provides for the hearings by the Department of Justice but leaves the supervision in the hands of the War Department.

The other was the point that has been made by a number of other witnesses today that there is a minority of men who conscientiously do not feel that they can accept civilian work in lieu of conscription, and for that small group we feel that there ought to be, as there is in England, provision for complete exemption and then they are free to undertake voluntarily whatever they can in the situation.

Mr. Sparkman: As I understand, in the conscription law that England has recently passed, such exemptions were made.

Mr. Wilson: Yes.

Mr. Sparkman: In other words, they did not rely on the same old plan that they operated under during the World War.

Mr. Wilson: It is quite different and the experience of the British law was that about 1 man in 10 of those who applied for consideration as conscientious objectors were given complete exemption. Administratively of course, there is no procedure that is 100 per cent satisfactory. Conscientious objectors are highly individualistic as a group and there is no one pattern that fits them all, but what we have tried to do is to provide flexible enough machinery so that approximate justice could be done and so that the whole handling could be under thoughtful civilian control.

Mr. Sparkman: It is on that basis that you ask for the inclusion of this amendment?

Mr. Wilson: Yes, sir.

Mr. Faddis: Would you classify Bergdoll in the last war as a conscientious objector or what would you classify him as?

Mr. Wilson: I don't know the case in detail. He has been described as a slacker or

draft dodger. I have no evidence that Bergdoll was sincere in his opposition in the sense that we have been discussing it today. On the other hand, I think that no man has complete right in judging another's conscience, and we are in a realm of human life where it is very difficult to be absolutely final in saying whether another man is sincere or not, and we plead for the general principle, whether we agree with the exact position taken by another man or not.

Mr. Harness: The Friends Society, as an organization, does not object to noncombative service, does it?

Mr. Wilson: I think Mr. French expressed a viewpoint here this afternoon, or some one else did, that by and large—and here again is a difference of opinion among members of the Society of Friends—for each man has a right to follow his own conscience, that noncombative service is an essential part of military service. You wear the military uniform usually, and take military rank, and receive military pay and take the military oath. From the standpoint of a great number of conscientious objectors, there is no practical difference in their objection to combatant or noncombatant service, and some would go further and say it is less defensible as a position to take. They maintain that if you receive all of the benefits and take all of the responsibilities otherwise, you merely send someone to the front in your place in the organization of which you are a part.

The Chairman: What is that again?

Mr. Wilson: The person who asks for noncombatant service in the eyes of some conscientious objectors would be taking military pay, taking military oath, wearing the military uniform, and yet asking someone else in his organization to do the front-line fighting.

Mr. Overton Brooks (La.): Do I understand you to mean that the test is really not the danger or the hazard involved, but it is really the question of resisting when resistance might result in saving human life?

Mr. Wilson: I'm not quite sure that I understand your question, sir.

Mr. Brooks: I mean the mental test that you give there would be whether or not the question of whether or not the job was dangerous or not would not apply, but the question of whether or not filling the job will result perhaps in the taking of human life, is that it?

Mr. Wilson: The conscientious objector objects to more than taking human life. Many of them object to the whole system of militarism.

Mr. Brooks: What I am getting at is this: For instance, is it your thought—and I am just asking for information—that a member of the Friends Society who would not object to doing ambulance service with the Red Cross, or things of that sort?

Mr. Wilson: Well, there again there would be a difference of opinion.

Mr. Brooks: That would be saving life rather than taking life.

Mr. Wilson: In the main, the Society of Friends has been dedicated throughout its whole period to an attempt to save life and protect it. On the question directly of ambulance service, there is a divergence of opinion; some members of the Society of Friends feel that that is very closely allied with the military, that in practice it is often under military direction or associated with it. In England at the present time there is an ambulance unit which was organized by the Society unofficially, because there were a group of men who wanted to devote themselves to that kind of service, first in Finland and then in Norway and then France and now in England itself.

But by and large, the Society of Friends in this country would undertake work not directly under or associated with the military, in relief and reconstruction and the saving of life, and the releasing of the energy of young people such as has been described who are this summer, at their own expense, more than 400 young people are working in work camps or doing peace education work or in some other way evidencing their wilingness to do patriotic service under civilian control.

Mr. Brooks: After all, what one will or will not do is dependent upon that person's own individual conscience, is it not?

Mr. Wilson: That is the position of the Society of Friends.

Mr. Brooks: That has always been the principle of your organization.

Mr. Wilson: Yes. That is why no man can speak finally and officially for the Society, because the theory is that every man should follow his best lights and his best conscience.

Mr. Martin: I am trying to compare what you are advocating with what actually was done in the World War. I haven't heard the

full description of your suggestion here, but I got the impression that it is the problem of administration of your exemption.

Mr. Wilson: From our point of view, there are three difficulties and limitations in the present wording of the Burke-Wadsworth bill which virtually follows the Selective Service Act of 1917. In the first place, consideration there is on the basis of membership in a well-recognized religious sect. Well, that would benefit the Quakers, but we do not believe that they have any right of preferential treatment. We want the consideration on the basis of conscience rather than on the basis of membership.

Second, there is no provision for exemption from noncombatant service in the present Burke-Wadsworth bill, and that is the main objection to it, as it is worded in 7 (d).

As I have explained, the great share—not the great majority but a substantial number of conscientious objectors would feel as I have indicated, that from their point of view there was no essential difference between combatant and noncombatant service and to do either one would violate their conscience. In the first place, we feel that the administration of this ought to be in the hands of the Department of Justice or some civilian agency, so that the procedure is a civilian one, instead of court martial, For example—

Mr. Martin: That is the principal change, is it not?

Mr. Wilson: Administratively, yes.

Mr. Martin: The question of administration. In the World War we gradually came around to the point where we had most of the problem settled did we not, except as to administration?

Mr. Wilson: No, we did not; and that is one of the difficulties, and I would disagree with one or two of the speakers previously, at this point.

In the World War, conscientious objectors were usually advised to go to camp and then wait for hearing by the board appointed by the War Department. There was Justice Stone, Major Kellogg, and one other whose name I have forgotten, so that they were in military camp, and they were under all sorts of pressure from military men, although the War Department itself tried to cut down and to minimize any sort of mistreatment of men. It was not an official policy of the War Department. It is one of the incidents of a variety of personalities. For example, there was one Mennonite who objected to putting on the uniform, and he was put in a cell and kept in his underwear for several days, and he finally died of pneumonia and was sent back to his home in the military uniform which conscientiously he could not put on in his lifetime. I think that that is an insult to the sort of conscience that he had, and to the group that he represented, and whose problems would be avoided, in the main.

Mr. Martin: I was under the impression that most of difficulties had been corrected before the end of the World War.

Mr. Wilson: Well, there were still approximately 500 men who were court martialed, all the way from 5 to 25 years, and the last conscientious objector did not get out of imprisonment until, if I remember correctly, 15 months after the war was over, and I am saying that these men should be considered as civilians and not as criminals.

Mr. Martin: The main plan providing for that is the third point in your bill, is it not?

Mr. Wilson: Yes; if the contention made by Mr. French was carried out, that we would follow the English provision to provide for that group of conscientious objectors, complete exemption, so that their consciences were protected, about 1 in 10 of the conscientious objectors, I would imagine.

Mr. Martin: You are asking in this third section of your suggestion that the examination or investigation be conducted under civilian branches of the government, but you are not asking for elimination of that examination?

Mr. Wilson: No, we feel that it is perfectly right and proper that a hearing should be held.

Mr. Martin: And the general principles you are advocating as principles to stand on are the same ones that were recognized during the World War, it is a question of administration of them?

Mr. Wilson: Except that the administration in the War Department in the last war was not worked out until after a year or more after we got into the war. There was still no provision for complete exemption so that the men who would not take noncambatant service were liable to court martial.

Mr. Martin: But you are not advocating anything new now as to general principles on which to apply, than those that you advocated during the World War?

It is a matter of administration of them under civilian parts of the government

rather than under the military, as I understand the principles of change. I am trying to orient what you are now asking what was actually done in the latter part of the World War.

Mr. Wilson: The three provisions—civilian control, the complete exemption for conscientious objectors, and the other provision has already been accepted in principle, that any man with a sincere conviction might be considered and not just those of certain religious sects, such as the Mennonites and the Brethren and the Society of Friends.

Mr. Martin: That is all.

The Chairman: I would like to ask one more question. Speaking of the administration of an act with this provision of the protection of conscience in it, the question being that of whether or not a particular individual has conscientious objection, how are you going to find out except by taking his word?

Mr. Wilson: There is no absolute way. The British ask the man himself—give him the opportunity to make a statement, to submit any other evidence he wants, and have other people appear in his behalf, and then the tribunal decides. That is only an approximation of justice because not all men are able to state clearly their religious or other convictions, so that there is no absolute final way. It seems to me that any board, however, has to give primary consideration to the statement by the individual himself, because conscience is not something which any other person can pass upon with finality and with complete accuracy.

The Chairman: But the man's previous life and conduct and actions would be competent as bearing upon the good faith of his own statement.

Mr. Wilson: And the British would accept as evidence his membership in a church or in a group, the fact that he had worked for peace education, or that he had undertaken something difficult that he might have taken this position, he might have joined an organization or a variety of evidences.

The Chairman: All right, sir. Thank you.

Mr. Faddis: Another question. Would the Germans accept anything like that?

Mr. Wilson: Not at the present time, no, sir.

Mr. Faddis: So that after all, if we come down to a conflict here, we are going to make an effort to preserve one of two ideals of civilization, isn't that true, the one that allows freedom of conscience and the one that denies it?

Somebody is going to have to sacrifice in order to do that.

Mr. Wilson: Well, the Friends and many others have believed that eventually the question of elimination of war was the development of machinery for achieving justice, for building confidence, for working out economic and political stability, and to those ideals practically 100 per cent of the conscientious objectors are dedicated and most of them are working on it.

Mr. Faddis: The Society of Friends is not alone in that belief or in the desire for such a situation.

Mr. Wilson: That is quite right.

Mr. Faddis: However I am glad that we all don't take that viewpoint of it because we have not achieved that state of civilization today and if everybody took that viewpoint of it we certainly never would achieve it.

Mr. Wilson: Some people need to keep alive, even as minorities and if the whole world were against them, the belief in a better way and a better world and that eventually mankind will organize his life by confidence and trust and cooperation rather than by force and hatred and war and militarism.

The Chairman: All right, thank you. Your proposed amendment will be made a part of the record. (The amendment will be found in the appendix.)

Statement of Fiorello H. LaGuardia, mayor of the city of New York. (An excerpt.)

Mr. LaGuardia: . . . On page 8 in (d) in time of peace you are going to get in considerable trouble. The selection and the assignment to the particular training after the preliminary training should be left entirely to the ones responsible for the training itself. And everyone tempermentally or conscientiously cannot do combatant service. You know, gentlemen, there are some men that tempermentally are just not fit for combatant duties. They cannot help it. It is born in them. And others have conscientious reasons for objecting to it. All of that should be sifted out after the original preliminary training, after they have had setting-up exercises, after they have had close

formation drill without arms, and all of that should be left to the training officials, not written into the law in this manner, which will cause a great deal of annoyance and a great deal of trouble.

The Chairman: Do you mean, Mr. Mayor, you would eliminate all reference to conscientious objectors, allow them to be trained first, then leave them to the army authorities?

Mayor LaGuardia: I would give them the preliminary training.

The Chairman: Yes.

Mayor LaGuardia: Then in the rules and regulations I would provide you can register the conscientious objections when he enters. That would be after he gets the sitting-up exercises and before he gets a gun in his hand. We could put him in the field offices, or could put him in the source of supply. He would go in many, many military activities that belong in the army and yet be away from the fighting forces, but I would not put it in the law. That is just a matter of regulation. . . .

Mr. Merritt: Outside of physical exemptions, just what other exemptions would you propose in this legislation?

Mayor LaGuardia: None.

Mr. Merritt: None whatever? No conscientious objectors?

Mayor LaGuardia: No. We can train them. There are different kinds of duties that they can perform without any violence to their conscience at all.

Mr. Merritt: How about ministers of the church?

Mayor LaGuardia: Take them in. Let them be used as chaplains. We have to train chaplains, and a good chaplain goes with his troops. Father Duffy did.

Mr. Merritt: To what extent would you allow conscientious objectors to be exempted?

Mayor LaGuardia: If he gets a setting-up exercise and training in close formation with the army, and he knows how to take care of himself, then you can give him clerical duties and you can train him for the hospital corps. You can use him in all sorts of interesting details.

Mr. Merritt: In other words, there is room for everybody to be trained.

Mayor LaGuardia: That is right, in the army today.

Mr. Merritt: In some branch of the service?

Mayor LaGuardia: Yes.

Mr. Merritt: And we can still maintain all of the freedom and all of the liberties that we enjoy in this country?

Mayor LaGuardia: I do not think there is any doubt about it.

Four days after his hearing, Mayor LaGuardia wrote the following letter to the committee which was read into the record as part of his remarks:

City of New York,
July 30, 1940.

Hon. Andrew J. May,
House of Representatives,
Washington, D. C.

My Dear Colleague: My attention has been called to the fact that in discussing the provisions concerning conscientious objectors, I overlook entirely the beliefs and practices of certain recognized and established religions such as the Quakers and Mennonites. I find that their conscientious objections go beyond my proposal and that provision would have to be made for their services in line of duty not connected with the uniformed military forces.

I understand that this matter has been called to the attention of the committee but believe that it is only fair that I inform the committee that I did not consider the particular limitations of some of the sects at that time. My reply to the question put to me, therefore, should be modified to this extent.

With kind personal regards and again thanking you for the many courtesies during my last visit, I am

Sincerely yours,

F. H. LaGuardia, Mayor.

Statement of Rev. Harry Emerson Fosdick, D.D., minister, Riverside Church, New York, N. Y. (The prepared statement of Dr. Fosdick will be found in the appendix.)

The Chairman: Dr. Fosdick, I enjoy listening to your splendid sermons on my radio on Sunday afternoons, and I was very happy to know that you accepted the invitation to come before the committee. I am very happy that you are here today and apprec-

iate your statement very much. I am sure the committee will give very careful and cautious consideration to your suggestions, and I am quite confident that with the two witnesses we have had before us on behalf of church people, the ministry and the conscientious objectors, whose consciences everybody must respect, have very adequately represented the views of those groups, and we have also had other testimony.

I would like to have an observation from you on this one feature of the position of the so-called conscientious objectors, and I do mean by using the phrase "so-called" that they are not in good faith. But we lawyers, when we used to be in practice, talked a good deal about the aider and abettor in the commission of a crime and usually charged that the aider and abettor aided, counseled, and advised and encouraged the commission of the crime.

With that principle in mind, and think of me, if you please, as a conscientious objector back in the rear of the warehouse fixing up cartridges to be shipped forward for the other fellow to use in killing somebody, to whom would I go to justify my attitude in that situation? Of course, I confess that job of noncombantant service would be undesirable to most conscientious objectors.

Dr. Fosdick: I think you have made a very keen point. I know some so-called conscientious objectors who would fall at once victims to that sort of thing. "Will you box cartridges and bullets? Will you do everything except pull the trigger?" I think you have a conscientious objector who starts on that road in an undesirable and unfortunate position. That is why you want civilian boards to sit in judgment on these cases.

We have some very interesting testimony from the British boards on the question of whether you are dealing with an honest-to-goodness religious conscientious objector, who has gone down on his knees feeling that he owes a duty to God rather than man, or whether you are dealing with a fellow who thinks this is an easy way of getting out, which is not so difficult to determine, and the testimony before the British boards has been very interesting. They could get at that very quickly, and I suspect that our boards will not have much difficulty in weeding out the genuine article from the false.

At this point, Dr. Fosdick was asked a number of questions not dealing specifically with conscientious objectors.

Dr. Fosdick: Of course, Mr. Chairman, may I say very naturally you gentlemen of the committee are asking me questions that move off into realms I did not particularly talk about and if I may be permitted I should not want to leave the committee room without saying once again I really came down now to talk about conscientious objectors and that in the Senate military bill as amended they have made great progress, they have provided for first civilian boards and that seems to us very important. And in the second place, they have provided for exemption of the man who claims to be a conscientious objector; he may have noncombatant service or civilian service. There is one thing that the British bill does that they have not that I plead for, in certain cases they give absolute exemption. That is, there are some of these conscientious objectors who will do noncombatant service. There are some who will do civilian service and some won't do any.

The Chairman: They are being entirely exempt.

Dr. Fosdick: And the British bill—this thing is most important—has I think, had sense enough to permit in exceptional cases the exemption of these people. I am here pleading for something I do not agree with. That is, being a practical Quaker, that is the easiest way to classify me, if I cannot fight I would want substitute service. I am pleading also for the practical wisdom of the full exemption that is suggested in the Friends' bill.

Mr. Smith: You agree in detail with the Friends' suggestion?

Dr. Fosdick: With the Friends' suggestion. I think it is a good practical suggestion. . . .

Mr. Brooks: As I understand from that remark you came down here not to oppose the bill but to obtain the writing into the bill of certain stipulations which would protect the conscientious objector; is that correct?

Dr. Fosdick: I came down here primarily to plead the case for the Friends Service Committee amendment to the bill with reference to the conscientious objectors, but also, to be perfectly honest with this committee I will say that I seriously question the necessity of a conscription bill at all. Now I put that in. But my major point in coming down here was to plead the cause of the conscientious objector. . . .

Statement of Rev. Eugene M. Austin, minister of the Tioga Baptist Church in Philadelphia. (Rev. Austin's prepared statement will be found in the appendix.)

The Chairman: Dr. Austin, do you remember the history of Alvin York, of Tennessee, who was a conscientious objector, and when he got over there killed a field full of them and was perfectly satisfied about it? What do you think about a case of that kind?

Dr. Austin: You mean their reaction after the fact?

The Chairman: Was he really a conscientious objector?

Dr. Austin: I think he is now, sir. He wants to have no part in military preparations. He has refused to allow his history to be used in the movies, for example, as a war propaganda picture.

The Chairman: Now I want to ask you one more question and then I am through. This bill isn't anything in the world but a training bill and it ought to be known as the compulsory military training bill. And you think it is going to be a great wrong for a young man who is idle in the country to register and then to call him and put him in training, military training in the army camp, for instance, 12 months, learning some vocation and train him to be an athlete, alert and active and develop physically, and then send him back home at the end of a year to await the call of his country or give him an option of volunteering with the regular army if he wants to?

Dr. Austin: Obviously, sir, there is no minister who is trying to do his job decently at all in this country who is not alarmed at the terrifying situation which faces our youth. If it were possible for men to reach a moral rehabilitation, if it were possible, for example, for me to have saved that youngster who went into a mental hospital because of unemployment just the other day I would by all means. But I believe that the church would be behind me when I would plead that this action upon his part would not be voluntary as long as it must be connected with the military service.

The Chairman: I did not intend to ask you anything more but as long as you answered about that mental case that became deranged and went to the hospital because of idleness, do you not think if he went into a training camp and had been clothed and sheltered there and trained that he probably would not have gone mentally wrong?

Dr. Austin: Of course, I am not a psychiatrist. I do not know. There may have been something wrong with his mind.

Mr. Thomason: Do I understand then that your conscience would not permit you to fight for your country under any circumstances?

Dr. Austin: I am not pleading for the conscientious objectors' position at this time.

Mr. Thomason: That is not your statement?

Dr. Austin: That is not my statement, sir. My statement is the young men who will be affected by this bill ought to have the right of free choice as to how best they can serve their country. My point is when you conscript a man's conscience—

Mr. Thomason: Then you don't believe in military preparedness?

Dr. Austin: That is a question which I am unable to answer categorically. I would say I am unable to say. I won't make a statement as to the ultimate meaning of military preparedness. I can only say that at this point in my own humble and limited outlook upon the world it is difficult for me to see how a tremendous armament and military program is going to solve the terrible dilemma facing the world.

Mr. Thomason: There is a paper lying here on my desk and the headlines on the first page says "German bombs fall in British streets" and the headline on the next page says "Bombs fall. Many dead in England". And one under that is "Nazis arm French area 100 miles deep from the coast". Now then, Doctor, in view of what has happened to Poland, Denmark, Norway, France, Belgium, and what is probably, I fear, going to happen in England, if followed by a threat to this democracy where we want our boys to have a chance (and I have one) what would you do, Doctor, to meet a threat like that? Would you fight or just lie down and take it?

Dr. Austin: I do not know until I reach that point, sir.

Mr. Thomason: You are not willing to say, sir, under those circumstances? You would oppose military armament of this country necessary to stop a madman that is loose in the world? Is that what I understand, Doctor?

Dr. Austin: It seems to me, sir, that the essence of the faith is that those who draw the sword shall perish by the sword.

Mr. Faddis: And those who do not have to, perish without it.

Dr. Austin: Yes, but they do not kill.

Mr. Thomason: That is your philosophy. A good many of us think we are good Christians. Would you feel the same way about a burglar or an intruder in your home?

Dr. Austin: Not at all.

Mr. Thomason: Would you defend your home?

Dr. Austin: I would defend my home.

Mr. Thomason: You would defend it against an armed intruder?

Dr. Austin: I would do everything in the world to try to limit the defense of my home to control and to all of those things but I would not go out and kill the burglar's brother or his uncle and people he does not know. I do not think the analogy is parallel, sir.

The Chairman: Thank you very much, sir.

Mr. Faddis: You have expressed a very beautiful philosophy here. Can you give us any nation which has ever been maintained and defended or has existed anywhere by any such philosophy?

Dr. Austin: No, sir.

Mr. Faddis: That is what I thought. That is all.

The Chairman: Thank you very much.

Statement of Rev. W. Appleton Lawrence, Bishop, Protestant Episcopal Church, Western Massachusetts. (Bishop Lawrence's statement will be found in the appendix.)

Statement of Roswell P. Barnes, assistant secretary, Federal Council of the Churches of Christ in America. (Mr. Barnes' statement will be found in the appendix.)

Statement of Arthur J. Edwards, representing the Council for Social Action of Congregational and Christian Churches. (Mr. Edwards' prepared statement will be found in the appendix.)

Mr. Thomason: Would you gentlemen be willing to yield at this point for a question?

Mr. Edwards: Certainly.

Mr. Faddis: I thought it might be well for the purpose of the record, if the witness does know, and he seems to know about the sentences imposed on these conscientious objectors (during the first war), for him to furnish for the record how many of these sentences were served.

Mr. Edwards: I am trying to be very brief. Every one of the death sentences was commuted. As soon as the armistice was signed the War Department and the President, whoever is responsible, began releasing these men, and by November, 1920, every one of them was out of jail.

Mr. Faddis: I thought we should put that in, as long as the other is in.

Mr. Edwards: I had a lengthy statement, and I am trying to be as brief as I can.

Mr. Thomason: I think that you think the willful, deliberate draft dodger should receive some punishment.

Mr. Edwards: Of course. I make no plea whatsoever, except for the sincere.

Mr. Thomason: As to the man who in good faith has conscientious objections and has practiced it some time prior to now I believe I can assure you that this committee is going to give that consideration, and I am sure the committee share that view.

Mr. Edwards: Yes.

Mr. Thomason: But we do not want it for the purpose of evasion and deception and by reason of his lack of patriotism.

Mr. Edwards: As a matter of fact, I left in the bill and did not change a word that this must be established to the satisfaction of the President.

Mr. Thomason: I think the committee shares your views about honest and good faith conscientious objectors. If you will be good enough, you may submit those papers for the record.

Mr. Edwards: You have the petition right there.

Mr. Thomason: Every one is going to have every possible opportunity of presenting their views, and there is no such thought here as this being railroaded through.

Mr. Edwards: I have not intimated that.

This bill has only three substantial authors. There is Grenville Clark, who in his first day's testimony said he wrote it, and then the other two are Congressman Wadsworth and Senator Burke. Other than that this is merely a draft of words which does not become yours until you put your O. K. on it.

Mr. Thomason: It is sponsored by one of the outstanding men in this country, regardless of the fact that he is a Republican, he is a very able man, but this committee has no thought about the men who sponsored this bill, and it is entirely unpolitical.

Mr. Edwards: Mr. Wadsworth has given me the privilege of saying the whole draft of conscientious objectors is satisfactory to him.

It has been said that this was copied from the British law. That is not so. The difference is that the British objector is not required to have any religious background for his objections. I am a rather strict constitutional constructionist and I felt I was justified in only asking for changes which kept the bill in the purview of the amendments to the Constitution, as Article I of the Constitution reads in part:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof".

If your committee cares to go beyond the constitutional provisions that is your province. I call that to your attention.

The British law is the same, with a minor difference. They provide for a trial before various British courts, while the amendment here provides—I am speaking of Committee Print No. 4 of the Senate Committee—for inquiry first by the Department of Justice. I only hope the Department of Justice will delegate to that matter mature men who have had experience in life and understanding so that there may be some thought given to the view of people who disagree with them.

Statement of Paul H. Bowman, representing the Church of the Brethren, Bridgewater, Va. (The statement will be found in the appendix.)

Statement of Abraham Kaufman, executive secretary of the War Resisters' League, New York City. (Mr. Kaufman concluded his opening remarks, which will be found in the appendix, by including in the record a statement of Winston Dancis on "Conscription".)

Mr. Kaufman: And I just have these few closing remarks, sir.

The Chairman: All right.

Mr. Kaufman: The statement makes clear that those who oppose all war must also oppose conscription. We are for defense because we have deep affection for our country and what it stands for. This is a question of deep interest and we wish to make it clear that we reject, not defense, but military defense. The type of defense we advocate is a type which we believe in not for idealistic reasons alone, but because we believe it is practical. Where tried it has worked. In India, by Gandhi, in the Ruhr Valley in 1923, and in Pennsylvania 300 years ago, we find evidence of the success of this method of defense.

Mr. Dewey Short (Mo.): If you will pardon an interjection, those methods saved neither Czechoslovakia nor the Orient, did they?

Mr. Kaufman: These countries all had compulsory military training. But it was only after losing out with the method of military defense that those people resorted to that in desperation, and not deliberately the way Gandhi did, refuse to use arms. They are doing this in desperation.

We advocate this training, which would be included in this non-violent method, and it should be training in losing their lives.

Mr. Short: Do you think that more than 300,000,000 people in India, or the populations of either Czechoslovakia and Holland are satisfied with their present status of slavery?

Mr. Kaufman: I believe they are not satisfied with it. I believe the 300,000,000 people of India have been so greatly favored by Gandhi's method of nonviolence during the period of 15 years alone it has wiped out the great evil of the untouchables. It has accomplished resistance of the British where side by side during the years of 1932 and 1933, in those same sections where those people had grievances the British officers killed them, some of them were killed, and whole towns annihilated. Gandhi's people

did not try to kill them, but they tried the method of nonviolence.

Mr. Short: Does your organization think that liberty is not worth fighting for?

Mr. Kaufman: No, sir. We believe liberty is worth fighting for. But we believe in modern war nonviolent methods are more effective.

Mr. Short: Do you think the American colonies would ever have gained their independence if they had practiced your policy?

Mr. Kaufman: I do not know, sir, but we are not living in a world where you can run to a shelf and pick up a musket.

Mr. Andrew Edmiston (W. Va.): Does not that make it all the more necessary to have well-trained men?

Mr. Kaufman: Yes, sir; I believe that is necessary, but not trained in the methods of violent war.

Mr. Edmiston: What are you going to train them in?

Mr. Kaufman: The methods of Gandhi. I have a statement on that. Men and women have sat down on railroad tracks and been willing to die for their country. They were men who were trained in taking beatings, not turning back, and using the essential methods of Jesus.

Mr. Edmiston: You do not have to have railroad tracks?

Mr. Kaufman: No. But they were marching to the sea at one time. They marched deliberately in violation of the British law. And the most fierce of these Indians were trained in this nonviolent method. I do not believe in any of this without training. They were trained to take beatings.

I would be glad to refer you to the textbooks on this.

Mr. Short: Would the gentleman yield?

Mr. Edmiston: Yes, sir.

Mr. Kaufman: The British soldiers literally vomited at the sight of what happened to those Indians.

Mr. Short: The gentleman need not refer me to textbooks, because I have been all over India and I know what you say is true. I am wondering if your members would be willing to sit on railroad tracks and take beatings and jump off bridges rather than take up arms.

Mr. Kaufman: They are willing to give their lives in that manner.

Mr. Short: You prefer that in that manner to the taking up of arms?

Mr. Kaufman: Yes, sir. It is because I believe history shows that this makes a more permanent impression. This is more practical. This is more in line with the teachings of Jesus, Isaiah and other great prophets.

Mr. Faddis: If the gentleman will yield right there.

Mr. Short: Yes.

Mr. Faddis: You referred to Pennsylvania. In western Pennsylvania 300 years ago many Quakers came into that part of the country. That was the western frontier at that time. The Indians had been pushed west. There were many Quakers and also many Scotch-Irish. The Quakers believed in the policy of nonresistance. The Scotch-Irish believed in taking the old flintlock musket down from the mantle and pouring shot into the Indians to defend themselves. The result was that the Scotch-Irish did defend themselves, and the Quakers did not defend themselves, so that the Indians killed them and stretched their scalps out to dry. That was the Wyandottes and others. So they got killed off and could not reproduce their kind.

The Chairman: We are going to have to finish with this witness.

Mr. Kaufman: I have a brief statement left, as I have put in most of my statement. The Quakers lived for 71 years, with not more than two Quakers being killed in that period. They did not preach nonviolence only, but they also preached justice with the Indians in practice.

We do not guarantee this nonviolent method as being a success, but neither can the supporters of military defense guarantee success for their methods. As to the French and the damage done to the Czechs, the iron ring that was created to do all of this has not given success, so that neither do we guarantee.

To save your time and give your committee a chance to examine this method, and to explain this method of meeting invasion, we request you to place in your record the following excerpt from a statement entitled "If We Should Be Invaded," written by Dr. Jessie Wallace Hughan, secretary of the War Resisters League.

The Chairman: How long is the statement?

Mr. Kaufman: The statement is 14 pages, sir.

The Chairman: That is pretty long.

Mr. Kaufman: It is a big problem.

The Chairman: Can you take it and boil it down to about two pages? And give us the important parts of it?

Mr. Kaufman: Thank you very much. I will do that.

(The statement was included in the record).

Mr. Edmiston: What nationality comprises the big nationality of your people?

Mr. Kaufman: We have no way to determine it. We have only Americans. We do not know what their descent is. As for the War Resisters League, it consists only of Americans. The largest single organization in the War Resisters International is the British, which has 130,000 members and which is still issuing its newspaper during these days of bombardment.

Mr. Edmiston: Do you not think that is what is the matter with the British today?

Mr. Kaufman: No, sir.

Mr. Edmiston: That they have dillydallied until the Germans are ready to take the pants off of them?

Mr. Kaufman: No, sir. If they want to keep the empire, that is one thing, but we pacifists do not believe in keeping the empire.

Mr. Dow W. Harter (Ohio): If we are going to keep our country, we have got to arm.

Mr. Edmiston: You do not want to keep our country?

Mr. Kaufman: No, sir; not if we break friendships with our fellow men. May I thank you for letting me put this statement in the record, and may I say in addition to this statement in opposition to conscription, in principle, we beg you to consider—

The Chairman (interposing): Just let it be printed in the record. I have witnesses here from North Carolina and there are some ladies who have not been heard yet.

Mr. Kaufman: It is a very brief statement.

The Chairman: We can print it in the record and we will all read it.

Mr. Kaufman: Thank you. (The statement referred to will be found in the appendix.)

To avoid burdening you with repetitious arguments, I shall not present the detailed reasons in support of the provisions of the British act, but I will call your attention to the testimony in favor of these provisions as given by Professor Beale, representing the American Civil Liberties Union, and by other witnesses. An editorial in the Washington Post for Monday, July 29, 1940, states clearly the type of exemptions we favor, and we ask you to place this editorial in your record.

(The editorial was included in the record.)

Mr. Kaufman: In the absence of Dr. Sidney E. Goldstein, who is the chairman of the executive committee of the War Resisters League and associate rabbi of the Free Synagogue of New York City, I wish to ask you to include one further statement in your record of this hearing, a statement first issued in 1934 and reaffirmed in February, 1940. The statement is that of the Rabbinical Assembly of America on the conscientious objector, to add to statements of other religious bodies. The statement follows:

(The statement was included in the record.)

May I make one brief statement, and that is that I am not a member of the American Youth Congress.

The Chairman: As you are so persistent, we cannot possibly hear you further.

Statement of Rev. Paul Schilling, chairman, Committee on World Peace, Baltimore Conference of the Methodist Church. (Dr. Schilling's prepared statement will be found in the appendix.)

Statement of Rev. James A. Crain, Disciples of Christ of Indiana, Indianapolis, Ind. (Dr. Crain's prepared statement will be found in the appendix.)

Mr. Charles H. Elston (Ohio): You have submitted to us a suggested amendment with respect to conscientious objectors. You do not take the position that all of those in your church are conscientious objectors?

Mr. Crain: No. That is clear in the statement. We are a free people. Nobody can speak for these people. As to the international convention, it has expressed certain convictions which are not binding, but taken as representative of our thinking.

Mr. Elston: You have perhaps as many more in your church as any others who are perfectly willing to enlist and defend this country in case of danger?

Mr. Crain: I think so.

The Chairman: Thank you, sir.

TESTIMONY BEFORE THE SENATE MILITARY AFFAIRS COMMITTEE, JULY 10 AND 11, 1940, DURING HEARINGS ON THE SELECTIVE TRAINING AND SERVICE BILL

From the statement of Miss Dorothy Day, New York City, editor and publisher of The Catholic Worker:

Senator Edward R. Burke (Nebr., cosponsor of the bill): You are familiar with subsection (d) of section 7 of the bill, which provides specifically that nothing contained in this act shall be construed to require or compel any person to be subject to training or service in a combatant capacity in the land and naval forces of the United States who is found to be a member of any well recognized religious sect whose creed or principles forbid its members to participate in war in any form, if the conscientious holder of such belief by such person shall be established, under such regulations as the President may prescribe. Does that not protect the situation?

Miss Day: It does not protect the Catholics; no. It may protect the Quakers, the Mennonites, the Dunkards, but not Catholics. After all it is not part of our creed. Our creed takes care of matters not having to do with this. This is a matter of opinion. There has been no Papal pronouncement on war and peace. There has been many a pronouncement on armament and conscription, and there has been no pronouncement —I mean that puts people under pain of mortal sin. We can express ourselves, for instance, and many Catholics will disagree with us, a great many, but it is not a matter of morals; it is a matter of opinion, so we have a right as Catholics to express that opinion. I have noticed plenty of difference of opinion amongst bishops, amongst Catholics. They have a perfect right to express themselves as human beings and as citizens of the United States in matters dealing with the temporal order. So there is nothing in the Catholic creed which would entitle us to that exemption. It does not deal with Catholics. The great majority of Catholics would probably go, because as I say, they would not have given time to think out the moral issue involved.

Senator Burke: There is nothing in the provision to which you object which would prevent or interfere at all with any citizen, if this bill were written into law, objecting to it, seeking its repeal in all legitimate ways, expressing opposition to it publicly and in every other way, but at the same time, as long as it remains the law, complying with its provisions. And that is the only case where these penalties would be imposed, where one urged another not to seek repeal of the law but to refuse to obey it while it remained the law. I think that is a very different thing than the objection which you are making.

Miss Day: Yes; it is according to how we phrase it in the paper, how we express ourselves. If we expressed ourselves reasonably and carefully stating our opposition, our disagreement urging repeal of such a law, at the same time being very careful not to aid or abet, we would probably not fall under that category, but at the same time in wartime—and we are practically in a state of war when we are thinking in terms of peacetime conscription—in wartime people do not consider those things. There has already been violation of civil liberties throughout the country. . . .

The Chairman (Senator Morris Sheppard, Texas): I understood you to say that you thought this was a very perfunctory hearing?

Miss Day: I am saying that from what I saw this morning. I do not think the opportunity is given to the American people really to express themselves completely on this matter. I pointed out that at the beginning of the hearing, when the proponents of the bill spoke, there was a large audience; then when it got down to the last speaker this morning there were very few listening to her. There were not very many here.

The Chairman: We cannot enforce the attendance of the public at these hearings.

Miss Day: I am not talking about the public. I am speaking of the Senators, the members of the committee before which the hearing is being held.

The Chairman: The members of the different committees are rarely ever all present attending the committee meetings in a body. Of course, we expect a representative number of a committee present.

Miss Day: This is the first time I ever attended a committee meeting and ever spoke before a committee, and when I saw everybody sitting here this morning I thought it

would continue that way, that everyone would continue to listen during the day.

Senator H. H. Schwartz (Wyoming): These hearings are all printed, and I assure you that members do read the hearings.

Miss Day: I would much rather read them myself than to have to sit and listen to them.

Senator Schwartz: The members of the committee who are not able to come and listen will read them.

Senator Burke: Of course, you understand the members of the committee have other very important matters to attend to.

Miss Day: As I say, I have never been present at a hearing before, and I took it for granted that they were all supposed to be here.

The Chairman: It would be impossible for them all to be here. There is another committee now holding hearings on the Panama Canal, and they cannot be but one place at one time.

Miss Day: Thank you very much for explaining it to me. I am very glad to know it.

Senator Schwartz: Committee members that are required in other committees could not be in both places.

Miss Day: I am glad to understand it, because otherwise I would have had a complete misunderstanding.

Senator Burke: I think the witness should not feel any embarrassment about the suggestion on that point, but I assure her that we would all agree that she has presented very fairly and very forcefully a viewpoint that the committee wishes to give very serious consideration to.

Senator Schwartz: I think also she represents a rather large group that otherwise would probably not be represented.

The Chairman: Thank you very much, Miss Day.

Statement of Harold Evans, Philadelphia, Pa., representing the Religious Society of Friends.

Mr. Evans: The Religious Society of Friends, for whom I have been asked to speak, have felt that they would not be true to the faith that was in them if they did not record their convictions on the vital issue of peacetime conscription now before this committee.

For almost 300 years the Society of Friends, commonly called Quakers, have maintained their testimony against all war and for freedom of conscience and religious liberty. They have believed that lasting good can be accomplished not by war and violence but only by service and an appeal to the divine spark in the life of every man. They have therefore opposed conscription by the State, though encouraging their members to give public service in such constructive ways as their consciences will permit Especially have they been opposed to military conscription, because it is part of the war system and violates their deep-seated belief in the sacredness of the personality of every individual and of the principles which Jesus lived and taught. They have been deeply attached to democracy, because in democracy the State exists for the people and not the people for the State, and because in a true democracy the individual citizen has the greatest opportunity for spiritual, intellectual and physical development.

While Friends have too often failed to live up to their ideals, they have found that these ideals work in practice to a remarkable degree. Now, as civilization crashes about us today, we would ask ourselves and this committee, what are the ends we seek to attain, and how can they be attained? If America seeks only military victory at whatever cost, should it not at once become a dictatorship? As one of the Senators said this morning, a dictatorship is the way that a war can be waged effectively, but what would it profit America to gain the whole world and lose her own soul?

Senator Schwartz: We have fought several wars and we have not abandoned democracy because of that, have we?

Mr. Evans: We fought one war to make the world safe for democracy but as we see it, the world has not been made safe for democracy. Now, all we mean to say is that if this country should become a dictatorship, dictatorship has won and we have lost.

Senator Schwartz: Let us assume that the dictators, such as Mussolini and Hitler—especially Hitler—would lead a Godless attack—suppose they came to our shores and started to attack us, would you be willing to take up a rifle and help defend this democracy?

Mr. Evans: I am not now speaking for the Religious Society of Friends because I have no authority to do that. I can only say, sir, that as a member of the Religious Society

of Friends, believing as I do that it is wrong for me to take up arms or to fight anybody, I could not do it, but that does not mean that in the country as it exists today, as I see it, with people believing in the force of arms and not agreeing with us of the Society of Friends, who are after all a very small group, that we should ask of everybody to do what we feel is our duty to do. All we can do is say that we believe that if everyone in this country would adopt the ideals which we profess, and which we believe are nothing but simple Christianity, then we do not think that this country would ever be in war. It is very much, it seems to me, like asking me what would I do if my wife attacked me with an ax. If I would be the kind of husband I ought to be, she is not going to attack me with an ax. (Laughter.) That is the situation in which, it seems to me, we find ourselves.

Senator Schwartz: I would like to agree with the general line of thought of yourself and the other speakers here this afternoon. It is beautiful, ideal, and I think if the world would adopt the teachings of Christ there would not be any war, but there has got to be some place where we can continue to endeavor to make the teachings of Christ applicable, and it apparently cannot be done now unless we can go out, and unless you enthusiastic men and earnest Christians can go overseas and teach the doctrines of Christianity to Hitler and Mussolini and to all the armed forces over there that would like to come over here and destroy our democracy, and when they got us destroyed, kick Christianity into the ocean. Then possibly, through a thousand years of struggle and hardship and poverty and ignorance and oppression, little by little we might get back sometime on this earth to a recognition of the Master's teachings, but it just does not seem practical to me at this time.

Mr. Evans: Now, Mr. Senator, all I can say—and I want to say it with great deference—I do not mean to be in any way antagonistic, but I think we ought to try the way that you have suggested, the Christian way, and not turn from it.

I am reminded, as I sit here, of a story that I understand is perfectly authentic, of a Russian, a conscientious objector, at the time of the World War, who told his officer that he could not engage in war and could not bear arms, and he said that the reason he could not was because the Christianity he professed and Jesus' way of life forbade it, and his officer said to him, "Oh, but you are talking about the time when the kingdom of God comes, and the kingdom of God has not come yet". The young man looked at him and said, "It may not have come for you, sire, but it has come for me". Now, some of us have got to take that stand, it seems to me.

Senator Schwartz: That is true, but suppose we got to that happy ideal state here in the United States, when every man, woman and child in it believed and practiced in all ways everything that Christ taught, and we had done away with war and preparation for war, because we believed, most of us believed in the teachings of Christ, and then while we were in that situation we were confronted by Mr. Hitler, do you think he would care anything about what our religion and unpreparedness were, as to how it would affect him, except he would say "How much have they got over there? What can we take away from them and how can we make them slaves and make them work for us?" That is what he would say.

Mr. Evans: Senator, all I can answer is that, as I sit here I am just as sure that if that happy situation existed, we would never have anything to fear from Mr. Hitler. That is a matter of faith, I admit.

Senator Schwartz: I do not know whether it is a matter of faith or what it is, but I cannot see it.

Mr. Evans: Well, at least we will agree, will we not Senator, that we have not gotten to that happy state yet, where everyone does practice Christianity in this country?

Senator Schwartz: Yes; that is evident. We have got a lot of things to do before we realize that.

Mr. Evans: Yes, I think we certainly will agree on that but if military victory is not our only object, if we are seeking to preserve democracy, then we ask ourselves: "Can this be done by peacetime conscription, which so often has been the first step on the road from democracy to dictatorship?"

I was interested this morning in reading a statement made by General Drum, in which he advocated compulsory military service and the Burke-Wadsworth bill, and in that statement he refers to the dangers, not only of foreign wars but of internal crisis, and I take it he means things such as a widespread strike or something of that sort, and therein, it seems to me, lies the greatest danger of this sort of thing. The moment the Government takes upon itself

in time of peace to adopt conscription, then it has it in its power to regulate the lives of its citizens, to use it to break strikes, use it for a thousand and one things which can do away with democracy as we know it.

Senator Burke: Do you favor abolition of the National Guard?

Mr. Evans: Well, there again, Senator Burke, I would not advocate the abolition of the National Guard.

Senator Burke: Is not that danger present, that the National Guard might be used to break strikes or something of that nature?

Mr. Evans: I think in a very slight degree. And I just want to finish, that I say that because the great mass of our fellow citizens feel that sort of coercion is necessary, and as long as they feel that, I think they have got to resort to it.

One time early in the history of the Society of Friends, William Penn, who had been a Cavalier before becoming a Friend, went to George Fox, the founder of the Society, and asked him whether he should continue to wear his sword, and George Fox, it seems to me with great wisdom, said to him, "Wear it as long as thou canst". Until there is a change in people's attitude, we have got perhaps, to use these means, but our whole objective, as I see it, must be to try to get away from the element of force to the element of voluntary free service.

Senator Schwartz: Let me ask you something about that voluntary service. You said here a while ago in answer to the suggestion that we might have a declaration of war not by ourselves but by our enemies, that that was the time to bring out conscription. Do you not realize that if we were to bring all the recruits out and put them into battle, these young men, that you would slaughter 80 per cent more of them than you would to accomplish the same objective if they had had the necessary previous training? You cannot turn a large army of raw recruits out and expect them to protect themselves and accomplish the objectives of protecting our country unless you are willing to slaughter them by thousands where otherwise hundreds would do the job.

Mr. Evans: Well, Senator, I am not here certainly as a military expert or anything of that sort. I am here to voice a religious conviction of a group of citizens of this country, and I do not believe that there is any—

Senator Schwartz (interposing): You do believe, though, to the extent that you think there may be a necessity, that to that extent at present the National Guard or other similar units are justified?

Mr. Evans: Well, I say that as long as the majority of the people of this country place their reliance in military strength, you cannot ask them to throw it all away. You have got to have a change in people's attitude before you can ask them to do that. Personally, I feel that the danger of peacetime conscription to the things that I hold dear, liberty and freedom and democracy is greater and more imminent than is any invasion by Mr. Hitler. That is, again, just a matter of personal belief. I cannot prove it, of course.

Senator Schwartz: I think our differences are largely as to what extent we might think there is an emergency, to what extent it is necessary to meet it.

Mr. Evans: I expect they may go deeper than that, sir.

Senator Burke: One other question. Does the section of the bill exempting from combatant service any well-recognized religious sect whose creed or principles forbid its members to participate in war—does that afford adequate protection, the way it is worded, to the Religious Society of Friends?

Mr. Evans: I think not, Senator, but I am going to come to that, if I may, in a moment.

We respectfully voice our conviction that democracy cannot be preserved by coercion; that modern war annihilates democracy; and that freedom can be maintained only by self-discipline, by contagious enthusiasm for service, by devotion to a great cause. May it not be that the true defense of the things we hold dear in American life will be found in a rekindled enthusiasm for democracy, in a rebirth of religion, and in new avenues of voluntary service at home and abroad? If our people could again catch the crusading spirit of a great constructive cause, could we not tap the spiritual forces that surround us and prove ourselves good neighbors in word and in deed to all peoples? If God be with us, who can be against us?

Senator Sherman Minton (Indiana): Whose side is He on in Europe now?

Mr. Evans: I am saying, sir—and I am only voicing the religious conviction of this group of Quakers—that if we will attempt to live out the Christian principles as we see them, then we can leave the events with God.

Senator Minton: I would like to believe that as firmly as you do but I do not believe

these people conducting this war in Europe will give very much consideration to that point of view. I do not believe they are giving any consideration to religion at all in Europe today. I think it is one of the great tragedies of this time that no man has yet held up his head who is willing to die for religion today. No man in Europe has challenged this man, who is an antichrist, who is a neopagan, no man in Europe has ever raised his voice over there in defense of religion and the thing that we call Christianity. Nobody over there has ever taken up the challenge of this man to Christianity and the things that you believe in and that I believe in.

Mr. Evans: Well, I am not so sure that that is a fact. I think Pastor Niemoller and some of those within Germany who are today in concentration camps, or perhaps have been disposed of, have done it. But we do not know how much of that there has been.

Now, Senator Burke, coming to the point that you just asked me about, if Congress should determine to break what we feel is the longstanding policy of our country, and adopt peacetime conscription without any mandate from the people, then we ask that at least the rights of conscience be preserved.

Section 7 (d) of the bill exempting from combatant service members of certain religious sects which hold pacifist beliefs, merely follows the provisions of the selective service law of 1917, which was enacted as an emergency measure, and which in this phase of it did not work out very satisfactorily, I think, either to the army or to those most concerned. We would respectfully urge that this section of the bill be amended, if the bill is to be passed, so as to follow in general the British National Service Act of 1939. We would specifically ask that it provide:

1. For handling conscientious objectors at all times by civilian rather than by military authority.

2. For placing conscientious objectors on a special register, as they do in England.

3. For complete exemption for those found to have sincere convictions against all forms of compulsory service, and for the exemption of others from such service as they cannot conscientiously accept.

And finally, we ask for the same treatment for all conscientious objectors, regardless of membership in any historic peace church, because we feel that this is a matter not of membership in the Society of Friends, of Mennonites or Dunkards, but is a matter of the individuals' conscience. As you have heard this afternoon, there are numbers of Catholics and there are numbers of Methodists and others who hold the same view.

Finally may I read into the record a resolution adopted on July 4, 1940, by members of the Religious Society of Friends assembled at Richmond, Ind., representing 22 yearly meetings on the American continent from coast to coast:

"That we are opposed to conscription in war and compulsory military training in time of peace as part and parcel of the war system. We protest against this policy in peacetime particularly as a radical departure from American principles of freedom and democracy, as an unwarranted infringement of individual liberty and as an unnecessary and dangerous step toward the regimentation of a free people."

Mr. Paul French who is here representing the Friends General Conference, has asked to take up my further time, just a few minutes.

The Chairman: Very well, Mr. French, you may proceed.

Statement of Paul Comly French, Germantown, Pa., representing the Friends General Conference. (Mr. French's prepared statement will be found in the appendix.)

Senator Minton: Is it part of the religious tenets of this organization that they are against any kind of bearing of arms?

Mr. French: That is correct, sir. The belief of Friends can be summed up, I think, about this way: We are not unwilling to die for America if it will serve any real purpose, but we refuse to kill for any reason because we are convinced that each human being contains a spark of the Divine Spirit and we are not willing to kill the Divine in a fellow human being.

From the statement of Frederick J. Libby, representing the National Council for Prevention of War, Washington, D. C. (The first part of Mr. Libby's statement is omitted.)

Mr. Libby: Now you had a fellow Quaker here this afternoon, Mr. Evans. As I explained at the beginning of my testimony, Senator Minton, I am a Quaker, but I am secretary of the National Council for the Prevention of War and I am speaking in its behalf; but I am familiar with the situation in the churches on this issue of conscientious objectors throughout the country.

Now, you are exempting from combatant service only the members of well recognized religious sects which in the World War, I think, were Quakers, Mennonites and Dunkards; and I am certain that you mean there to meet their conscientious scruples. However, there are going to be many of them that will not be willing in peacetime to enlist in the army because that is what is still required under Section 10, in the army, but for noncombatant services, and to my mind that is going to be offensive to the consciences of many members of those sects; but as Mr. Evans explained today, the Quakers are not willing to accept special treatment. They do not believe that there is just ground for them to be treated differently from conscientious objectors who are Methodists or Baptists or Episcopalians or Congregationalists or Catholics or Jews.

Senator Minton: Has not your religion always taught its people that war was wrong and that they should not associate themselves with wrong; and now then you have taught them that from childhood, while in many other religions we are not taught that. Do you not think there is a difference between that group whose conscientious objections are based upon a religious belief that they learned at their parents' knees and just some idea that he has that he does not want to serve?

Mr. Libby: Senator, I think that the opposition of most young people to war is really on the basis of its futility as a method. They feel—

Senator Minton: I will grant you that. I will grant that it settles nothing; but we do not have any choice as to whether we will have war.

Mr. Libby: I know your position; but there are at the same time a great many ministers in the country—

Senator Minton: A great many what?

Mr. Libby: Ministers; churchmen who have been preaching the gospel of Christ in substantially the same terms as the Quakers. Now, Dr. Harry Emerson Fosdick, has said on a national hook-up over the radio, that under no circumstances will he take part or have anything to do with another war. He is one of our outstanding preachers. There are many that have taken that position; and there are young people who have been taught that same point of view and hold it now as firmly as the Quakers.

Senator Minton: It is not in the tenets of any regular religion, except perhaps the Quakers, Mennonites and Dunkards, and they have it in their canons of faith, do they not?

Mr. Libby: Yes, but there is a tremendous—

Senator Minton: Yes, and they have learned that from their childhood up; their mother's knees.

Mr. Libby: True.

Senator Minton: That this thing is wrong in the sight of God. It has been taught them as a religious thing.

Mr. Libby: Yes, but 20 years—

Senator Minton (continuing): I have sympathy for the youth that is brought up with that teaching; but I was not brought up that way, and I have not any sympathy for the youth of the country that are not willing to stand up in defense of this country in its hour of need.

Mr. Libby: Now, Senator, let me say a word about that.

Senator Minton: I do have some sympathy for these young people who have had training in their churches and in their religious training against war. I have some sympathy for their conscientious objections, but I haven't any sympathy with youth who just simply says "I am not going to fight for my country, whatever you say about it. I am not going to war, whatever the circumstances are."

Mr. Libby: I know if that is all, Senator, you will have wide support in that condemnation of that type of youth; but there are thousands and tens of thousands of young people who are just as conscientious in their rejection of the war method as they understand the Christian religion as the Quakers are.

Now I heard Gen. John F. O'Ryan speak to a thousand pastors of the State of Ohio

some years ago. It was the pastors' convention. And it was such an extraordinary address that I took notes of what he said. He said this: "You may ask me how I reconcile war with Christian principles. Frankly, I don't. You can't." He went on: "I have not always seen it that way. It came to me first at camp when my wife—who is a Methodist, I am a Catholic—came by the bayonet room which we had set up. The boys were there driving bayonets into dummies representing human beings and stamping on them with their hob-nailed shoes, and my wife when she got where I was was speechless with horror; but finally she burst out, 'How can you reconcile that with your Christian principles?' " And he said, "I never thought of it before. On the spur of the moment I said, 'I don't'."

And, he continued, "I don't today".

Then he said this: "If my country, if my Government, calls for my services again, I shall give my services to my Government, but I shall not pretend to take Christ with me into that war."

That is the end of the quotation. Now that is a very significant statement, because it confronts a young man with a choice between two great loyalties—one his loyalty to God; the other, his loyalty to his country. I do not know any other loyalties that are so compelling as those; and if a young man has to choose between them because he becomes convinced that war is wrong, as General O'Ryan was convinced, then it is irreconcilable with the teachings of Christ; then he has to decide who is supreme in his life. Now, there is the reason why this bill is going to fill our jails and prisons with tens of thousands of young people, some of the finest in the country; and not only that—

Senator Minton: I do not believe it.

Mr. Libby: Well, I believe it.

Senator Minton: I do not; I think the youth of this country have got a little more patriotism than you think they have.

Mr. Libby: You think they have more patriotism than they have religion?

Senator Minton: I think that they have enough patriotism to go out and defend their country whenever the country is in danger.

Mr. Libby: I am just pointing out the choice for them if they have to choose between their religion and their patriotism; and it is a very difficult choice to make.

Senator Minton: I served in the World War. I never found many people struggling with it.

Mr. Libby: Well, now, that is true; but they did not tell you what was in their hearts.

Senator Minton: I was with them for months, 27 months; I never heard any of them with bleeding hearts because of conscientious objections.

Mr. Libby: That is quite possible; and yet thinking has gone further and the American Legion has helped to carry the thought forward in these 20 years on this question.

Senator Minton: The American Legion has always stood for adequate national defense.

Mr. Libby: Yes, and is now standing for staying out of warfare.

Senator Minton: So am I.

Mr. Libby: Yes, I know.

Senator Minton: So is the President of the United States . . .

Mr. Libby: Well, that is a very important statement he made today. I am glad it came before the Democratic convention.

Now, then, with regard to one other point, because it is not only the youth that this bill would put in jail. There are other citizens. Anyone who "counsels, aids or abets another to evade registration or service in the land or naval forces" is equally liable to imprisonment up to 5 years and a fine of $10,000 or both.

Now, inasmuch as the several denominations apart from the Quakers, Mennonites and Dunkards, have officially voted that they will support all conscientious objectors of their denominations, that they will see them through, that is going to put in jail, in prison, the advisers of these young men as well as the young men themselves.

Senator Minton: You mean that they will have to enlarge the prisons?

Mr. Libby: Yes, and they are overcrowded now.

Senator Minton: I think that we will have room for them.

Mr. Libby: I think that is a poor sort of treatment for some.

Senator Minton: I think it is a poor thing for anybody to tell the Congress of the United States that they will counsel anybody to turn their back upon their country in the hour of its need and refuse to do what the duly elected representatives of this country in Congress determine is necessary to be done in defense of the country.

Mr. Libby: Senator, there is a higher loyalty than loyalty to this country, loyalty to God.

Senator Minton: All right; treason to this country.

Mr. Libby: Very well, imprison them if they will not serve in peacetime.

Senator Minton: All right.

Mr. Libby: If that is the kind of jailbirds that you want created, but that is—

Senator Minton: I do not want to create them. I do not want to create them, but I am in favor of taking care of them if they create themselves.

Mr. Libby: All right, that is what this bill will do. I am just telling you . . .

Statement of Dr. Charles S. Longacre, general secretary of the Religious Liberty Association of America and representing the Seventh Day Adventists Denomination, Takoma Park, D. C. (Dr. Longacre's statement is omitted because of its close similarity to his testimony before the House Committee.)

Statement of Dr. Howard K. Beale, representing the American Civil Liberties Union. (His statement will be found in the appendix.)

Identical bills, in respect to the conscientious objector, were reported out of both the House and Senate Military Affairs Committees after the testimony already presented. These included, in addition to the terms found in the final Act, provision for a Register of Conscientious Objectors to remain in the hands of the Department of Justice which was to conduct hearings "with respect to the character and good faith" of all objectors.

This provision was struck out on the House floor September 6, 1940. Over the objection of Congressman Jerry Voorhis (Cal.), the House passed an amendment submitted by Francis E. Walter (Pa.) substituting the words "local board" wherever the phrase "Department of Justice" appeared in the section, and toning down reference to a C. O. register.

Mr. Voorhis renewed his objection the next day on the floor of the House:

Mr. Voorhis: Mr. Speaker, I ask unanimous consent to proceed for one minute.

The Speaker: Is there any objection to the request of the gentleman from California?

(There was no objection.)

Mr. Voorhis: Mr. Speaker, I do not know whether the members of the House are interested or not, but I think they should be informed that last night during the closing moments of the session of the House, an amendment was adopted which takes out of the hands of the Department of Justice the task of making uniform determination as to the good faith of conscientious objectors and puts it back into the hands of each local board where, it would seem to me, there is likely to be a great deal of difference in this determination. One board may be lenient, another board may not be of any inclination to consider conscientious objectors at all, and so on. It seems to me that the terms of the bill as originally drawn were very good at this point and should have remained. The Department of Justice could have made fair and uniform decisions all around. I do not believe that more than ten members of the House know what happened last night, but I think they ought to know. In my opinion a mistake was made. The Senate bill, as a matter of fact, is in the same language as the original House bill.

(Here the gavel fell.)

The language of the House amendment prevailed, however, in the conference report of the Senate and House. Wording of the final Act, Section 5 (g) relating to conscientious objectors, will be found in the appendix.

SENATE

On September 23, 1940, Representative J. Thorkelson (Mont.) introduced into the House H.R. 10545, a bill "to define the status of conscientious objectors under the Selective Service Act." Mr. Thorkelson proposed:

That conscientious objectors "shall ipso facto forfeit and relinquish any and all eligibility for office holding in the Government of the United States due to their admitted inability to support and defend it, rendering them ineligible under Article VI of the Constitution of the U. S."

That C.O.s exempted from military service in the Act be "further relieved from all obligation and privilege of voting in any election for any candidate for any office in the Government of the U.S."

That all lists of C.O.s be kept open for public inspection, and that local boards be required to submit each week all names of C.O.s appearing before them to the Government Printing Office which would draw up a national list each month for free distribution.

The bill never got out of the Military Affairs Committee.

Under the pressure of events abroad—the German air blitz of England was then at its height—the Selective Training and Service bill became law September 16, 1940. One month later, by Presidential Proclamation, more than 16,000,000 adult American males between the ages of 21 and 36 were registered for the peacetime American Army. Limit of service was set at one year, a compromise between military and civilian demands, and 800,000 men were expected to be inducted before the next July.

The new Selective Service System's request for an appropriation came the following January.

TESTIMONY BEFORE THE SUBCOMMITTEE OF THE HOUSE COMMITTEE ON APPROPRIATIONS IN RELATION TO THE INDEPENDENT OFFICES APPROPRIATION BILL FOR 1942 (INCLUDING THE APPROPRIATION FOR THE SELECTIVE SERVICE SYSTEM), JANUARY 8, 1941.

From the Statement of Clarence A. Dykstra, director of Selective Service. (The text of Mr. Dykstra's budget request to open and supervise conscientious objector camps will be found in the appendix.)

Mr. Joe Starnes (Ala.): You refer to a million and a half, with reference to those conscientiously opposed to participation in the work of the armed forces. How many were there?

Mr. Dykstra: That was a million and a half dollars to which I referred, not men.

Mr. Starnes: I thought you were stating the number of persons there instead of money.

Mr. Dykstra: I can give you an estimate of the number of persons if you are interested.

Mr. John M. Houston (Kans.): I would be interested.

Mr. Starnes: So would I.

Mr. Dykstra: From the best estimates we can make, we are going to get something over 10,000 persons in class 4-E, which is the conscientious objector class.

Mr. Houston: Is that out of the first 16,000,000?

Mr. Dykstra: That will be out of the 800,000 who are inducted; yes, that would be out of the 16,000,000, we assume, on the basis of some experience, that half of these will be entirely willing to take noncombatant service, which puts them on the army pay roll. The other half will be in work of national importance under civilian direction, as the Congress directed.

Mr. Starnes: Taking the same percentage for the 16,000,000, that would make something over 100,000.

Mr. Dykstra: Yes.

Mr. Houston: And half of these would be in the noncombatant services.

Mr. Dykstra: Yes. The others, according to the direction of Congress, would have to be put into work of national importance under civilian direction.

Mr. Houston: A great deal of that might come within the activities of the C.C.C. camps, might they not?

Mr. Dykstra: Exactly. The reason I brought in the C.C.C. in connection with this was that the estimates that we received from the C.C.C. to take care of that many men for a year amounted to $6,500,000. We have put in an estimate of $1,500,000 just to indicate that we have something in there for this purpose.

Mr. Houston: They would be entirely separate, even though they were put into a camp something like the C.C.C.

Mr. Dykstra: That is correct; they would be entirely separate. But, I was saying, on the basis of their estimates to take care of one person with the materials necessary, and so forth, their figure for this number would be something over $6,000,000. I am just trying to show you how conservative we are trying to be.

Mr. Chairman, I had not intended to mention the C.C.C., except in connection with comparing their estimate with ours, and I am sorry to have taken so much of your time on it. But we have put in this budget this item, which probably will not be anything like enough, but we have to have something to go on.

Mr. Houston: You have not had any up to this date?

Mr. Dykstra: Not yet. We expect to have some within the next 3 or 4 weeks, however. The first 20,000 inductees were mostly men who asked for the lower numbers, who volunteered in other words. Out of the 20,000 almost 100 percent came in as volunteers, although there were instances here and there where that was not true. For the moment, that gives us no conscientious objectors.

Mr. Starnes: The conscientious objectors will be given pay comparable to the men who are in the armed services, who are inducted into the armed services.

Mr. Dykstra: It is possible to do so.

Mr. Houston: They were protected by law.

Mr. Dykstra: It is possible to do so.

Mr. Starnes: I do not think they should be given more pay for any reason.

Mr. Dykstra: There is no anticipation that they will draw more. This $1,500,000 would not take care of such a program, if we are going to pay the men $21 a month.

Mr. Houston: They would be paid on the same basis as the others?

Mr. Dykstra: They will not be paid more. We are now planning an experiment by means of which we do not expect to pay them anything. That may not work, I do not know.

Mr. Starnes: I think it ought to work.

Mr. Dykstra: We are doing our best to see whether we can work out a satisfactory method.

During the summer of 1941, the Service Extension Act raised to as much as two and a half years the period of service that could be required of drafted men, conscientious objectors as well as those in the armed forces. December 7, 1941, was Pearl Harbor and the immediate extension of service to the duration plus six months.

On December 11, 1941, Brigadier General Lewis B. Hershey again went to Congress to ask for funds for the operation of Selective Service, including the conscientious objector program.

TESTIMONY BEFORE THE SUBCOMMITTEE OF THE HOUSE COMMITTEE ON APPROPRIATIONS REGARDING THE INDEPENDENT OFFICES APPROPRIATION BILL FOR 1943 (INCLUDING THE APPROPRIATION FOR THE SELECTIVE SERVICE SYSTEM), DECEMBER 11, 1941.

From the statement of Brigadier General Lewis B. Hershey, director of the Selective Service System. (The text of General Hershey's budget request, asking for an increase from $604,742 to $802,340 for Selective Service expenses in connection with conscientious objectors, will be found in the appendix.)

General Hershey: We based these estimates on the assumption that the religious bodies will continue to subsist, clothe and administer the conscientious objectors in the camps. Those items have not yet become a Government charge, and we are assuming that they will not. The feeding of these individuals, the hiring of the dietitians, and the hiring of the supervisors will be furnished from money which they will give us.

Mr. John M. Houston (Kans.): Have they been doing that religiously so far?

General Hershey: Yes. You see, we have three major historical creeds. They underwrite those costs. If the boy has $35 a month, he pays it; and if he has not, his church pays it; if neither has it, the three religious groups pay it.

Mr. Joe Starnes (Ala.): Who are those three religious groups?

General Hershey: Those three religious groups are the Mennonites—about 34 types—Brethren, or Dunkards as they are many times called, and Quakers.

Mr. Joe Starnes (Ala.): How many of those conscientious objectors do we have now?

General Hershey: Somewhere around 1,500 in camps.

Mr. Starnes: Are they doing any type of work that is constructive?

General Hershey: Insofar as the Government is concerned, or doing any type of work?

Mr. Starnes: Are they doing any type of work from which the defense effort will obtain a benefit?

General Hershey: There might be a little question as to defense, in the long run. Of course, they are doing the same type of work as the C.C.C. They are working on soil conservation, reforestation, they set out trees, and we have two projects now that I think are still more pertinent. We are going to put a unit in two insane hospitals to replace men, where they are having difficulty finding male attendants for insane patients.

Mr. Starnes: General Hershey, do these conscientious objectors also object to working in a plant for the production of munitions?

General Hershey: We have some, I would say rather rare cases where we have men who are 2-A's; that is, men who are working now in plants, who might otherwise claim conscientious objection, but the great majority of them would not do so under any circumstances.

Mr. James M. Fitzpatrick (N. Y.): What is the total number?

General Hershey: You mean that we have in camps?

Mr. Fitzpatrick: Yes.

General Hershey: About 1,500. We made some plans, if you remember, when we were here about a year ago, for about 6,000, but there are several things that have helped. One is the fact that they get no pay, and that they have to be financed. I do not want to impugn the motive of anybody, but it has been a factor in not only keeping them from going, but once they get there, they leave, and take 1-A-O, in the army, when they find out.

Mr. Clifton A. Woodrum (Va.): And you let them go?

General Hershey: Yes; we not only let them go, we aid them to go into the army—any man who wants to leave our camp to enlist.

Mr. Fitzpatrick: Do they get an allowance in the camps?

General Hershey: Some camps give them $1.50 a month, some $2.50, out of the $35.

Mr. Woodrum: They take care of themselves, they are self-supporting?

Mr. Houston: Do they do any soil-conservation work?

General Hershey: Oh, yes. With very few exceptions they are good workers. Very many of them go beyond working the government time. Many of them are working fifty-some hours a week when we only require 40.

Mr. Fitzpatrick: How are they around the camp on cooking or washing dishes?

General Hershey: They hire—some such help.

Mr. Fitzpatrick (interposing): I mean in the army.

Mr. Woodrum: They will not work in the army.

Mr. Fitzpatrick: Oh, they will not work in the army?

General Hershey: No. We had a peculiar case of one man who had got inducted, trying to judge his case. He spent several weeks at Fort Sill. He will not receive any money. He will not wear a uniform, and we are trying to get his case straightened out with the Department of Justice, and he is in the peculiar position of both refusing to accept money and of refusing to wear a uniform, but yet he is nonbelligerent. That is, he went to any place that they wanted him to go, but he is simply unwilling to bear arms, that is all. He has worked free, and he will not accept money because he thinks it would compromise his position.

Mr. Woodrum: But he is not a conscientious objector?

General Hershey: Yes.

Mr. Woodrum: Oh, he is?

General Hershey: Well, that is a question, and we are having some little difficulty. That is taking some time. In the meantime, he got inducted before he made his appeal, and it just shows what some of them will do. They are a most peculiar kind of people.

Mr. Fitzpatrick: Suppose we get a man who does not belong to any of these religious orders but he is just an ordinary man, and he is a conscientious objector?

General Hershey: Well, that is where the problem comes up. Now, 70 percent of these fellows belong to the so-called historical creeds. The other 30 percent belong to about 140 different "collections" and "non-collections". The law does not give any consideration whatsoever to the conscientious objector unless his objection is founded on religious training and belief.

Mr. Houston: Have you had to take a great many of those?

General Hershey: Well, not a great many, because some of our local boards go one way and some the other, because What is religion? is a difficult thing to say. A man perhaps has read, and whether it is religion —if he comes up and says, "I am a Communist" or "I am a Socialist" or "I am a revolutionist"—that is not the way they barge in. A man perhaps has been something, in his past, and we have tried to be rather open-minded on what is "religion", and on the other hand we have tried to be rather rigid on what is "honesty", and of course we have some people helping us, because they are the ones that must pay if the man goes to a C. O. camp.

Mr. Woodrum: All right, General. Would that about cover the matter?

General Hershey: I think that seems to cover about the things we have got here.

Except for that brief report by General Hershey to the House Appropriations Subcommittee on the activities of conscientious objectors, the subject did not come up in Congress from January 8, 1941, to August 19, 1942, when Selective Service asked that C. O.'s be given some kind of accident compensation in view of the fact that they were working for nothing and were completely without legislative protection.

In August of 1942, the Afrika Korps was pounding at the defenses of Egypt. In Russia the Germans had launched the drive that carried them into the Caucasus. American Expeditionary Forces were just beginning to leave the country in numbers and the "Second Front" cry was becoming an insistent Russian plea. In the United States the steadily quickening tempo of war added women's auxiliary forces to the armed services, tightened draft deferments, prices and rations. Registration had been extended to cover the ages of 18 to 65.

And Civilian Public Service had grown to 4,000 men.

TESTIMONY BEFORE THE SUBCOMMITTEE OF THE SENATE COMMITTEE ON MILITARY AFFAIRS, REGARDING THE PROPOSED AMENDMENT TO THE SELECTIVE TRAINING AND SERVICE ACT OF 1940 TO EXTEND THE BENEFITS OF THE EMPLOYEES' COMPENSATION ACT TO CONSCIENTIONS OBJECTORS, AUGUST 19, 1942.

Statement of Colonel Lewis F. Kosch, Chief, Camp Operations Division, Selective Service System.

Colonel Kosch: My job is the administering of the camps under the Selective Service to which men classified as 4-E are sent for work of national importance.

Our object in sponsoring this bill is to protect the government in future cases of claims that might come up. In other words, although these men are not paid by the government and thus cannot come under the Compensation Act as now written, they are forced to go to these camps and forced to work. If they refuse they are prosecuted and sentenced to a correctional institution. So if any man becomes injured under the present act there is no way for him to be compensated, for nothing is said as to what the compensation shall be, but we can foresee that in the future there will probably be claims against the government for injuries or disabilities received while in this service.

We felt, therefore, it would be better to have a set-up so such cases would be handled in an orderly manner as they come up rather than to wait until some future time when the records probably would not be easy to get and there would be a great many individual claims against the government.

Senator Styles Bridges (N. H.): Do you think, Colonel, that in time to come, in our lives, the Government of the United States will look very kindly toward a claim by a person who has refused to fight for the country in its direst hour of need?

Colonel Kosch: Well, I don't think it is a question of how we are going to look at it, but it is a question as to what the man's rights are. Under this law as it is set up, he can do work of national importance in lieu of service in the army. The government requires him to go to camp and do work, and the only reason he is not subject to compensation is the fact that he is doing this work without any pay.

Senator Edwin C. Johnson (Col.): Is it not also true, Colonel, that he is not a criminal or he wouldn't be in this camp?

Colonel Kosch: No; these are not concentration camps, nor are they correctional institutions. They are people who are complying with the law.

Senator Johnson: They are not law violators in any sense of the word?

Colonel Kosch: No, sir.

Senator Johnson: Well, isn't it important, not to themselves, perhaps, but to society, that some sort of compensation benefits be set up for them, since some day they will be returned to society? If they are returned crippled or incapacitated or handicapped in any way because of this service, which is entirely honorable, isn't it proper and fitting and in the general interest that some care be taken of them? Isn't the service which they are rendering now valuable to the government?

Colonel Kosch: Yes, sir. If they are not taken care of in this way, they will still be wards of society; they will have to be taken care of, because their injury or disability has been received in the service of the country. It is not combat service, it is not service in the army, but it is a service that is set up by a law of the country; so, we feel that the government is responsible for them, as long as this law is in effect.

Senator Johnson: Any further questions?

Senator Bridges: Colonel, how much of an obligation do you think the citizens of the country have to a man who refuses to fight for his country when his country is in jeopardy and everything is at stake?

Colonel Kosch: Well, I don't think my personal opinion on that would have anything to do with it. Under the law as set up there are certain rights for this man and certain places to which he is allowed to go; it is considered service to his country, and he is just complying with that law.

I am not a conscientious objector, myself. In fact, I have had 32 years of service, and this is just a job that has been given me to do, and I feel I have to look after the rights of the people that I am representing here and the things I am running, and try to protect the Government in every way we can in the future.

Senator Johnson: How many conscientious objectors do we have now, Colonel, outside of the law violators who are in prison?

Colonel Kosch: We have, in rough figures, close to 4,500 now, of which 4,000 are in camp and 500 are under orders to go to these camps.

Senator Bridges: How many camps do you have, Colonel?

Colonel Kosch: There are 47 camps in operation. That includes, of course, certain ones that are really not camps in the sense that the C. C. C. camps were. Those are units that are set up in state institutions for the insane, to help the states take care of the insane patients, on account of the shortage of personnel.

Senator Bridges: As a rule, Colonel, have old C. C. C. camps been utilized?

Colonel Kosch: Yes, sir; ordinarily. A few of them are camps that were built by the church groups in the early days before the C. C. C. work started to go down. We are selecting the top projects. The technical agencies gave us the use of the C. C. C. projects that are now abandoned, and that is what we are working on. We have selected recently 50 of their top projects, and that is where we intend to put these men as they come in now.

Senator Johnson: What is the nature of the work in these camps, Colonel?

Colonel Kosch: We have at present soil-conservation camps; they are doing practically the same work the C. C. C. did—it is soil conservation, replanting of trees to stop erosion; it is regular soil-conservation work. Then we have forestry work, where they are doing fire - fighting, pre - fire - suppression work, the building of roads, telephone lines, observation stations, checking on fire, and things like that. Then, we have the park service, which is looking after the government property in these parks, improvement of roads and park facilities, and fire fighting also because most of these parks are located in the midst of forested areas. And due to the fact that the C. C. C. has been taken out, the number of boys in these parks is very limited now, there is a vast amount of government property there which needs protection, and these people are protecting that from fire and theft, and things like that.

Senator Sheridan Downey (Cal.): Colonel, what do you do with the conscientious objector who does not have the money to pay for his keep?

Colonel Kosch: The National Service Board for Religious Objectors bonded themselves to the extent of $500,000 to take care of any indigent man or one whose parents or own people will not support him. In other words, they get the money from a general contribution of their own group.

Senator Downey: Have you thought of a plan where they would carry their own insurance, an insurance premium of a dollar a month, or something like that?

Colonel Kosch: The National Service Board has tried to carry group insurance on some of these people to a certain extent but they run into great difficulty in certain states, not being able to set this up to the state laws covering it. Those people working in the hospitals are covered by the compensation laws of the sate employing them in those hospitals. But that is not true, of course, of any of the national projects.

Senator Johnson: On February 6, 1941, the President approved an Executive order—

> Authorizing the Director of Selective Service to establish or designate work of national importance under civilian direction for persons conscientiously opposed to combatant and noncombatant service in the land or naval forces of the United States.

The President, after issuing this Executive order, approved a plan for the handling of camps and for all of the details of operation.

I would like to make that plan, as approved by the President, a part of the record at this point, if there is no objection.

Hearing none, it will be made a part of the record.

Senator Bridges: In the operation of the camps, Colonel, who does the cooking and who has supervision over these men, as to what they are fed, and so forth?

Colonel Kosch: The National Service Board for Religious Objectors operates the camps. The only restrictions we put on them is that the men are fed properly, get an adequate diet, so that they can properly perform the work they are doing. We supervise them but they do their own preparation. In each one of these camps they have a dietitian who takes the place in the army of the mess sergeant.

Senator Bridges: Do they wear any type of uniform?

Colonel Kosch: No, sir.

Senator Bridges: They furnish their own clothing?

Colonel Kosch: They furnish their own clothing. Our requirements are that the civilian clothes they wear will be sufficiently adequate so that they do not expose their person improperly and that they be of sufficient quantity in order that they can keep neat and clean.

Senator Johnson: I would like to read a few paragraphs of the approved plan, in order that we may use that as a basis to ask the Colonel whether he has any changes he would like to suggest in the plan. It says (reading from "The Conscientious Objector under the Selective Training and Service Act of 1940"):

"It will cost $35 per month per boy to operate the program, and the various religious groups involved are assuming that the individual, the family, the local church or denominational group will desire to help finance his stay in camp.

"Persons drafted for military service, whether combatant or noncombatant, will be provided with clothing, food, and shelter and all necessary medical, dental, and hospital care. In addition they will receive regular army pay of $21 a month"—which is now $50—"for the first 4 months of their service and $30 per month for the remaining 8 months. Persons, who perform a year's service under the Civilian Public Service program will receive no pay and in addition either they, or their religious group, will pay for their own maintenance and the general administration of the camps as an expression of their willingness to make sacrifices for the things they believe in.

"Under the program, the Federal Security Agency has agreed to provide unused Civilian Conservation Corps camps, if available; the War Department agreed to provide basic camp equipment (such as cots, cooking and heating stoves, blankets, etc.), if such are available; while technical agencies, like the Interior and Agriculture, agree to provide technical equipment and direction for the work projects. Selective Service officials will have the responsibility of checking help and sanitary facilities in the camps."

Then it goes into the details.

Now, Colonel, do you have any changes that are contemplated in this approved plan, or is that plan as set up going to continue, outside of the proposal that we have before us in the Senate bill 2708?

Colonel Kosch: Well, the plan will continue, unless so much pressure is brought to bear that we will have to establish government-operated camps for those groups, certain individuals of whom object to serving in these religious-operated camps, and also unless the National Service Board for Religious Objectors becomes unable to raise the funds to continue the present system. It would be necessary for us then to set up government-operated camps, but we do not contemplate doing it until it becomes necessary.

It is costing these religious groups around $125,000 a month at present, and, of course, as the number increases that cost will increase. As long as they are doing that work and the work program is satisfactorily carried out, we feel that we are just saving the government that much. We have been against payment due to the fact that we feel that the very fact that a man does not get paid is one means of sorting the conscientious objector from the slacker or the fellow who is just trying to hide behind the skirts of the religious objectors.

Senator Bridges: That is a very strong point, Colonel.

Colonel Kosch: We have been against payment of any kind. Some of the hospital units wanted to pay them the same as the other employees. We have been against that. We feel that as soon as you set up a pay scale for these people that is in any way comparable to that of the army, then the slacker will say: "Well, that is a good place for me to get in"; and we feel by not making payment is one of the ways we have of sorting the slackers out from the conscientious objectors.

Senator Bridges: I think that is a strong point, and I am glad you brought that out, Colonel.

Senator Johnson: What denominations predominate, Colonel?

Colonel Kosch: The Mennonite group accounts for about 37 percent of them, and two-thirds of them are in the Mennonites, the Brethren, and the Friends, which are the 3 old-line peace churches. The other third comes from all other denominations, and at the present time we have 114 different denominations of religious groups represented.

Senator Bridges: Colonel, have you any idea as to their distribution, from the country as a whole?

Colonel Kosch: Yes, sir. We have what we term the Bible Belt. A great many of these people are of the farming class, particularly the Mennonites and the Brethren.

You will find they started in Pennsylvania and New York and they worked west into the farming area. The heavy groups are in New York, Pennsylvania, Ohio, Indiana, and Illinois, and across the Mississippi River into Iowa, Nebraska, Kansas, and Missouri. Those are the heavy groups. There is only one other State that has any considerable amount, that runs up into the top 10, at least, and that is California. Of course, we have had some of the Mennonite group here, some of those that have gone into California where there is tillable land; and, also, of course, you have an area out there that is quite a hotbed for all types of different religious denominations.

Senator Johnson: Do you think, Colonel, that the number will be greatly increased?

Colonel Kosch: We have been keeping the figures on the thing since it started—we had nothing to go by except the World War—and it is running considerably under the World War; but at the present time, taking all figures from the beginning, out of every 500 men that come up for the army we get about one of them. It is about 1 out of 500, roughly speaking. It varies from month to month, but taken over the entire period of the men coming up for induction, 1 out of 500 of them is a conscientious objector.

Senator Bridges: Colonel, you stated, before the committee convened this morning, while we were talking, that a certain number of these men, after having served a period in these conscientious objector camps, eventually decide to join the army. Will you tell us a little bit about that, what you are doing in that respect? I think that is important.

Colonel Kosch: Well, we have found that a great many of these people have the idea that the army is composed of a bunch of bullies with clubs used to knock people down, and so on, if they didn't do what they were told. By not mistreating these people, we have been able to teach them that the army is composed of a group of individuals who have gone into the service and wear a uniform; and, by treating them fairly and by being honest and aboveboard with them, we have been able to get these people to come to us and ask us about the army, what constitutes service in the army, what you have to do, and those things. We have tried to be fair and have found that about 1 out of 8—in other words, a few over 500 of the 4,000 we have gotten who were originally classified as IV-E—have changed their minds and have gone into the army.

By taking these youngsters out of their communities we feel it is more or less of an educational program, even if they don't come through and join the army. When they go back they have a modernizing and leveling influence in their group and teach their people a little more concerning their responsibility as citizens. That is how we look at it.

Senator Johnson: Major Coatsworth, do you have anything to add?

Statement of Major J. T. Coatsworth, Representing Selective Service System.

Senator Johnson: Whom are you representing, Major?

Major Coatsworth: General Hershey.

Senator Johnson: You are representing General Hershey?

Major Coatsworth: Yes. I might add that we look upon this as being more of a protective measure than anything else, protective to the government in any future claims.

I might also add that, as the Colonel has said, many of these boys have been confined in their early lives to such an extent, having been under the influence of their church and their elders, that they do not have worldly knowledge and experience as other people have; so instead of their being slackers they are the result of this rather isolated life.

They have been brought up on farms; they haven't had radios, newspapers, automobiles, nor the normal mixing with other people. They are the result of this type of life and influence rather than being slackers.

Senator Bridges: I have been very interested in what has been defined here as the difference between a conscientious objector and a slacker. I think that perhaps most people—in fact, I know that most people—have a tendency to look on them as slackers rather than as conscientious objectors. There is a very deep feeling in the country on this subject. The correspondence I have received indicates that there is a deep feeling, for instance, in my state. There is a small group of people located there that I know feels very deeply on the rights of the conscientious objector. On the other hand, I would say, from the evidence you get through correspondence and personal contact, that the feeling is very bitter the other way—very bitter.

Major Coatsworth: If we were to take a young boy and bring him up as many of these boys are brought up, without the influence of newspapers, without the influence of the radio, without the influences that we normally have, the natural result would not be so much a slacker as an entirely different person. We are dealing with a different type of person generally.

Colonel Kosch: We have one group of these people here in Pennsylvania, which is the most conservative element, that believe that the ideal mode of life was the year 1870 and that you should never get beyond that. They don't use rubber tires on their buggies.

Senator Bridges: They may be right up to date.

Colonel Kosch: Whether they want to or not, they are helping the government conserve rubber now. But they live in these valleys up there; they buy everybody else out; they get everybody else out but themselves, and they stay to themselves; they don't have automobiles. If a man buys an automobile, he is kicked out of the church. We have had cases of that, where these boys have bought automobiles and were kicked out of the church, and the boards said they could not be conscientious objectors because they had left the church. They won't have radios in their places; they won't have telephones; they won't have electric lights. If they buy a farm that has electric lights, they tear them out. All they have in their places is their church papers. The ministers tell them what is going on in the church. The father is the head of the family as long as he lives. In other words, his son may be grown up and married and have children of his own, but the old man tells him what to do.

We feel that if we could get these youngsters out from the influence of these older people we could do something with them.

Senator Downey: What does the Mennonite philosophy teach as to the right to resist invasion of their property rights, like their properties and women, and that sort of thing?

Colonel Kosch: Well, remember, among the Mennonites you have 28 different kinds.

Senator Downey: I mean the group that claims the right to conscientiously object. Do they apply the same philosophy to their own property?

Colonel Kosch: I have talked to a lot of these people, trying to get their background, and I have asked them: "What would you do if somebody came in and tried to take your property from you and misused your mother or your sister?"; and they told me: "Well, we wouldn't do anything. If we don't resist the man he will be ashamed of himself and he won't do anything."

And you find others will say: "Well, I don't know; I have been thinking about that, but I haven't been able to make up my mind as to just what I would do."

But I am doubtful, I don't think I would take a chance with some of them, as some of those boys are pretty husky and if something actually happened it might be another thing. But their philosophy is nonresistance.

In other words, when these people did not want to go to camp, when the United States marshal came down and said, "Get in the car";—well, they go along, they put up no resistance at all, and they told where the rest of the boys were so they could find them.

They don't believe in resisting the government physically but they do hold this philosophy against it.

Senator Johnson: You have many categories under the law; you have combat service, and, then, noncombat service.

Colonel Kosch: Yes, sir.

Senator Johnson: A man can be assigned to that service if he so requests, can he not, under the law?

Colonel Kosch: Yes, sir; we are not concerned with those here in this bill, because they have the same privileges of any other soldier.

Senator Johnson: Then, the next category is your conscientious objectors, and then those who resist or those who are unable to pay for their keep in a conscientious-objector camp or something?

Colonel Kosch: No; all of these people that are willing to do work of national importance can go into these camps. They are taken care of. The National Service Board has taken up collections. They are fed and clothed and taken care of just the same as any other individual in camp. The only group you have outside of these are people who absolutely refuse to conform to any part of this law, refuse to register or refuse to go to the camps when sent. Those, of course, are prosecuted in the courts.

Senator Johnson: Who pays the expenses of the conscientious objector who does not have the sponsorship of a denomination back of him?

Colonel Kosch: This National Service Board for Religious Objectors is an organization set up by the three old-line peace churches, the Friends, the Brethren, and the Mennonites, and they have bonded themselves to the extent of $500,000 to take care of these individuals who come under this category, and those three groups have divided the outsiders up equally.

Senator Johnson: Whether they belong to their church or not?

Colonel Kosch: Yes; each one takes care of one-third of all outsiders, not members of their church. They pay for it, regardless of whether they get any money from these people or not.

Senator Johnson: The noncombat men are paid?

Colonel Kosch: The noncombat men are paid the same as any other soldier. The noncombatant soldier in the army is assigned to the Medical Department, certain sections of the Quartermaster Corps, the Engineering Corps, Chemical Warfare, and Signal Corps, in certain types of work that do not require a man to be armed, and they receive the same pay and compensation as any other soldier.

Senator Johnson: But he does not have to bear arms?

Colonel Kosch: He does not have to bear arms in those sections or be trained in the use of them.

Senator Johnson: The Seventh Day Adventist, you have those?

Colonel Kosch: Practically all of those go into the noncombatant service of the army; very few of those go in the conscientious-objector camps.

Senator Bridges: What do you include in noncombatant service?

Colonel Kosch: There are certain parts of the Medical Corps, medical units, base hospitals, and so forth, in the rear that are not assigned actually to combatant service; certain sections of the Quartermaster Corps having to do with the rear area; engineering and construction work, and things like that, in the rear area not actually with combat troops; the Signal Corps, the handling of and the construction of communication lines, and so forth, where it is not actually in the combat area; and also service with the Chemical Warfare, the handling of transportation of chemicals and things, where it is not actually in the area of combat.

Senator Johnson: Now, we understand that these noncombatant troops all receive the regular pay of the army. Then, we come down to the next category, which is a conscientious objector, and they receive no pay and are supported by this organization; and then the next group that you come to will be those who are forcibly detained as law violators.

Colonel Kosch: Yes, sir. Those would be the ones, of course, who fail to comply with this law in any way, and, of course, they are prosecuted under that law, and we are not interested in those because we consider that they are not complying with the law and so have no rights or privileges under the law.

Senator Bridges: Let me ask you, Colonel, this question: You told us there were about 4,500 conscientious objectors in camps. How many conscientious objectors have gone into noncombatant service? Have you any idea?

Colonel Kosch: We have a few over 500 that have gone into the service, and they are divided roughly half and half, half into combat service and half into noncombatant service.

Senator Bridges: Is there another group that has gone into the noncombatant service without first going to a conscientious objector camp?

Colonel Kosch: Those who come up for classification and say they are conscientious objectors but they are not opposed to noncombatant service are classified as 1-A-O by their board and inducted into the army without coming to us.

Senator Bridges: How many of those do you think we have?

Colonel Kosch: I have no idea. We do not have to do with that.

Senator Bridges: Do you have that, Major?

Major Coatsworth: I don't know offhand, but there is quite a substantial group of those.

Senator Bridges: Do you have a tabulation of that in General Hershey's office?

Major Coatsworth: I will get it for you.

Senator Johnson: We would like to have that made a part of the record at this point.

Major Coatsworth: Yes. I will furnish it.

(The statement submitted by the Selective Service System under date of August 21, 1942, follows:)

The approximate number of 1-A-O's classified and later inducted or now about to be inducted, according to records available, is

6,577. This figure is only approximate, as some of these registrants awaiting induction may be rejected for physical reasons. Also, some of these registrants, inducted as 1-A-O, may subsequently enter combatant service while serving in the army. No figures on inductees now engaged in noncombatant service are available from the War Department at this time.

Senator Johnson: Any other questions, gentlemen?

Senator Bridges: Then, we are to understand from both of you gentlemen that you are recommending this measure purely from the point of view of protecting the United States in subsequent years rather than from any other consideration? It is your duty as officers in the United States Army, and looking to the protection of the country in future years as to claims, to make this recommendation?

Major Coatsworth: Yes, sir.

You concur in that, do you Colonel?

Colonel Kosch: Yes, sir. We feel it will cost less and be less trouble if it is handled in a regular manner from the beginning rather than to wait until later years to try to thrash it out.

Senator Johnson: At this point, I would like to put in the record the law, the benefits of which the pending measure proposes, by amending the Selective Training and Service Act of 1940, to extend to conscientious objectors, that is, the provisions of the act of February 15, 1934 (48 Stat. 351), if there is no objection, so that we will have a complete record when this goes before the whole committee or to the Senate.

(The provisions were included in the record.)

Senator Johnson: Now, the pending measure is not very long, and I would like to read it at this time. If there are any points that we want to discuss as we go along, please feel free to break in as it is read.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (g) of section 5 of the Selective Training and Service Act of 1940 be, and it is hereby, amended by changing the final period to a colon and adding thereto the following provisos: "Provided, That conscientious objectors assigned to work of national importance under civilian direction pursuant to this Act and rules and regulations prescribed hereunder, and their beneficiaries, shall be entitled, under the provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, to compensation for disability or death to the same extent and under the same conditions as is provided in said Act for employees: Provided further, That for the purpose of computing compensation for disability or death under said Act, every such person shall be regarded as having received a monthly pay of $42: And provided further, That no right to benefits, other than medical, surgical, hospital, and other similar benefits to cure or relieve disability, shall accrue to any such person until his release from his assignment to such work."

Now, I would like to ask how you arrived at that monthly pay of $42. That is what I wanted to bring out.

Colonel Kosch: We took that from the C.C.C., since these men are doing work comparable to the work of the C.C.C., and we took that from the average figures of what was considered the compensation in the C.C.C.

Senator Bridges: Didn't the C.C.C. men get $30?

Colonel Kosch: They got $30 for compensation, but besides that they got clothing, food, and so forth. That is the rate on which the C.C.C. men were compensated.

Senator Johnson: Under the compensation law?

Colonel Kosch: Yes.

Senator Johnson: That sounds like a very fair basis.

Colonel Kosch: And since these men were doing practically the same type of work and subject to the same hazards, we felt that was a fair figure.

Major Coatsworth: Attention might be called, Colonel, to the matter of casualties, or what injuries have occurred in the past year or year and a half in these camps.

Colonel Kosch: We have been fortunate. We have had only one death and three injuries. The injuries may result in some disability, not a complete disability but some disability.

But we cannot expect or hope to have that continue. We have been fortunate, as I said. There was only one death, and that was the result of a man having boils, or something, and he got a blood disease and died from it. The three others were minor accidents, no accidents where anyone was seriously injured, but one was cut with an axe, one with an adze, and the other got into a power mower. But that is the extent of the in-

juries to date. We can't expect or hope to continue that rate. We are going to have more accidents. Particularly, when we get into more fire fighting, and in areas where we have hills and grades, and so forth.

Senator Johnson: Do you find these men doing very much missionary work?

Colonel Kosch: We try to discourage that. In other words, we are not setting up projects that puts them in a position where they can do it, like social-welfare work, teaching in schools, and so forth. We have had pressure put on us to put them in to teaching schools where they are short of funds, and so forth, but we have refused to do it, because we do not believe that the government should be a party to helping these men spread their pacifist propaganda. Around these camps you find there is a certain amount of it done due to the fact that if the churches invite the people in to talk we can't say "no" to it. However, if the churches do not ask them in, there is no particular way they have of spreading their propaganda on these jobs, because they are work jobs; and, as I say, we are opposed to setting up any type of project which would lend itself to the spreading of their propaganda.

Senator Johnson: I would like also to make a part of the record at this point certain information on the National Service Board for Religious Objectors to which the Colonel has alluded several times here. It is just a short paragraph telling how that board functions and operates.

"The National Service Board for Religious Objectors is a voluntary unincorporated association of religious organizations which has agreed, in the absence of Federal funds specifically allocated by the Director of Selective Service, to take care of the expense of the rehabilitation of necessary buildings at camp sites; wages for camp directors and other employees of the National Service Board for Religious Objectors; camp physicians; clothing; medical care; hospitalization; feeding and housing of the assignees, and the cost of operation and maintenance of equipment required by and belonging to the agency engaged in the technical direction of the work project."

Are there any other questions?

Major Coatsworth: We will see that the figures on 1-A-O are furnished.

Senator Johnson: Yes. I think your general statement on the rates is sufficient on that point, Colonel Kosch. You are paying at the same rates. Of course, your casualty record is far better than the C.C.C., and probably will continue to be because you have mature men instead of boys?

Colonel Kosch: Yes, sir. We have mature men and men who know how to do the work and how to handle tools, while in the C.C.C. we just had boys that didn't know a shovel from an ax when they started, so, naturally, we had more accidents, and so forth.

Senator Johnson: I think that would naturally follow.

The Senate Military Affairs Committee reported out the bill and eight days later it came up for consideration on the floor of the Senate.

The bill (S. 2708), to amend the Selective Training and Service Act of 1940, as amended, so as to extend the benefits of the Employees' Compensation Act to conscientious objectors was announced as next in order.

Mr. Kenneth McKellar (Tenn.): Mr. President, may we have an explanation of the bill?

Mr. Elbert D. Thomas (Utah): Mr. President, as all Senators know, conscientious objectors who are certified as actual conscientious objectors by the Department of Justice are relieved from military duty, but they are required to put in time at their own expense, and paying for their own upkeep, doing Federal work in such places as Civilian Conservation Corps camps or around the various military reservations.

The bill before us merely makes it possible, if a conscientious objector is injured in doing this Federal work for which he is not paid, to receive compensation under the Employees' Compensation Act. It is a very fair bill.

Mr. McKellar: Does the Senator think that a man who objects to fighting for his country should be rewarded in this way by his country?

Mr. Thomas: That question is not at all germane to the theory of the bill or to the theory of the Selective Service Act.

Mr. McKellar: I think it is, and I shall object.

Mr. Edwin C. Johnson (Col.): Will the Senator from Tennessee withhold his objection?

Mr. McKellar: I withhold the objection.

Mr. Thomas: The objection which the Senator from Tennessee has is, of course, an objection to the Selective Service Act as it is written. Judgment has already been passed on the conscientious objector. He is given certain privileges and certain deferments by the law of the land. He gives his service to the country free of charge. He does valuable work. The only thing which the proposed amendment to the act would accomplish would be that it would give to the man who is working for the government of the United States for nothing the same privileges, insofar as compensation under the Workmen's Compensation Act for injuries is concerned, as are received by similar workmen who are being paid for their work by the government. The question of whether a conscientious objector, as such, should be paid anything or not is not at all germane to the bill.

Mr. Alben W. Barkley (Ky.): Will the Senator yield?

Mr. Thomas: I yield.

Mr. Barkley: I understand that under the act which the bill proposes to amend, while conscientious objctors may be excused from service in the combat forces, they can be utilized for work of other sorts for the government.

Mr. Thomas: They are utilized, but they get no pay, and they have no standing.

Mr. Barkley: While they work for nothing, if the bill were enacted they would be placed on the same basis with other government employees if they should suffer injury, so far as the right to apply to the Compensation Commission was concerned?

Mr. Thomas: Yes; and it would be a humane act.

Mr. Johnson: In addition to what the Senator from Utah has said, the conscientious objectors not only receive no pay but someone puts up money for their expenses. When a man in that category is injured and goes back to society with one leg off, or both arms gone, or injured in some other way so that he cannot resume his former place in society, someone has to take care of him, either his folks upon whom he will be dependent, or society in general. The object of the bill is to take care of such cases in an orderly way. It is not a bill providing benefits for the individual; it is a bill for the protection of the United States Government.

Mr. Barkley: If I understand, if the same individual working for the government in any other branch, and receiving pay for his work, were injured, he would come under the protection of the compensation law.

Mr. Johnson: The Senator is correct.

Mr. Barkley: But he would not come under it under the circumstances stated by the Senator, and the bill would merely permit him to make application for compensation in case he were injured?

Mr. Johnson: Under the present statutes and under the present laws, his case is left up in the air. Whether he is an employee or not is debatable. His status is undefined. General Hershey, of the Selective Service, said it was very necessary that something be done to work out an orderly status for such an employee.

Mr. McKellar: Mr. President, I wish to read the bill and to get some information about it. The second proviso reads:

> That for the purpose of computing compensation for disability or death under said act, every such person shall be regarded as having received a monthly pay of $42.

I understand the Senator from Utah to say these men receive no pay. I suppose they are paid their expenses, of course.

Mr. Johnson: No; their folks or their church have to put up their expenses. They do not receive their expenses at all.

Mr. McKellar: The church puts up the expenses?

Mr. Johnson: The church puts up the expenses.

Mr. McKellar: What bothers me is that I do not think conscientious objectors during a war, especially such a war as that in which we are now engaged, should be encouraged. I think that if we continue to throw safeguards around them and make everything easy for them, the next proposal will be to pay them salaries or compensation for all work done, to pay for their upkeep, and everything of the kind, and we will have an army of conscientious objectors in this country. I do not feel very kindly about it. I think any man who lives in America should be willing to fight for it at the proper time, regardless of everything else.

Mr. Thomas: Everyone in the United States Senate agrees with the last statement made by the Senator; we would be very happy to fight for our country; but there are certain religious sects which have taken ac-

tion against war and participation in war, and those sects have been recognized by the Government of the United States.

Mr. McKellar: How many men would come under the provisions of the bill, or might come under it? How many conscientious objectors are there in the country today?

Mr. Thomas: I do not know the exact number.

Mr. Johnson: Something less than 4,000.

Mr. Thomas: The number is very small compared with the number in 1917 and 1918. The way in which they are handled in the present war is such an improvement over the method in vogue in 1917 and 1918 that we should all rejoice over the manner in which this matter is being handled.

So far as the conscientious objector in this war is concerned he finds a place thoroughly consistent with his belief and with his fundamental notions, and the government of the United States has discovered that this part of the Selective Service Act is working to the satisfaction of those great sects—there are only three of them—which stand definitely in the recognition of nonwar activity.

Mr. Barkley: Will the Senator yield?

Mr. Thomas: I yield.

Mr. Barkley: The provision with respect to $42 is placed in the measure simply as a basis for a standard of compensation.

Mr. McKellar: I see that.

Mr. Barkley: There must be some basis upon which to determine percentage of compensation for injury, and that provision is placed in the bill for that purpose.

Mr. Thomas: It is a very low basis.

Mr. McKellar: Suppose a conscientious objector were injured by reason of his own negligence; under the bill he could still receive compensation from the government. In other words, the government will insure these men for a long time, though I do not know for how long. The language is:

> That for the purpose of computing compensation for disability or death under said act, every such person shall be regarded as having received a monthly pay of $42.

That, of course, is a basis for measuring compensation. Let us suppose one of these men is hurt by reason of his own negligence, through no fault of the government at all; is it possible that the government shall regard him as a ward for the rest of his life, under the terms of the measure?

Mr. Thomas: That would depend upon the regulations under the Employees' Compensation Act.

Mr. McKellar: We ought to make it dependent upon the law, not upon the regulations of a department.

Mr. Thomas: The regulations are dependent upon the fundamental law. Such a person as the Senator referred to would have no more privileges than would any other person who receives $42 a month from the government. If, for instance, a conscientious objector were injured as a result of his own negligence, he would be judged under the regulations in connection with the Employees' Compensation Act exactly as any other person would be judged.

Mr. McKellar: The measure does not say so. It provides for compensation. The language is:

> Provided, That conscientious objectors assigned to work of national importance under civilian direction pursuant to this act and rules and regulations prescribed hereunder, and their beneficiaries, shall be entitled, under the provisions of the act of February 15, 1934 (48 Stat. 351), as amended, to compensation for disability or death to the same extent and under the same conditions as is provided in said act for employees.

I think the adoption of such language would go a long way to encourage conscientious objecting. I think we shall find, if the measure is passed, that there will be a great many more such objectors. I have not studied the question. That simply occurs to me now from the examination I have been able to make of the measure. It seems to me that by the passage of this measure we would get into a situation which none of us wants to get into; that we would encourage conscientious objecting. I shall not object to the consideration of the measure, but I wish to state for the record that I shall vote against it.

Mr. Johnson: Mr. President, I am glad the Senator from Tennessee has withdrawn his objection, because this is a very necessary piece of legislation. I am also glad that the Senator has said he is not familiar with the operations of the pertinent provisions of the Selective Service Act. General Hershey's representatives told our committee that under that law many of the conscientious objectors were being converted to a better attitude toward their responsibilities of citizenship and that a great many of the

conscientious objectors in camps were leaving the camps every month and joining the combatant or noncombatant forces of the army.

We should not confuse the conscientious objector with the slacker. One is entirely different from the other. The conscientious objector must establish his right to that status according to law. He is sponsored by his own church. As has been stated, the money for his keep and for other purpose is provided for by his church.

I do not think the passage of the bill will contribute in any degree to an increase in the number of conscientious objectors. I think it will work in the opposite direction. I wish to emphasize again that the proposed legislation is not to be of assistance to the conscientious objector, but it is to work out an orderly plan for taking care of a very few serious cases of injury to men who would become a burden upon someone, and since they are working for the government and contributing in a wholesome and considerable degree, the government ought to take care of that problem.

The presiding officer. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2708) to amend the Selective Training and Service Act of 1940, as amended, so as to extend the benefits of the Employees' Compensation Act to conscientious objectors, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

After being passed by the Senate, the C.O. compensation bill went to the House where it died with the expiring 76th Congress, never called for consideration by the House Military Affairs Committee. Not discouraged, Selective Service resolved to try again the next year.

With the new Congress was ushered in America's "year of hope". Allies landed in Africa, advanced in Russia and the Pacific. Bombings of Germany and occupied Europe far surpassed the tonnage dropped by the Luftwaffe during the critical siege of Britain. Predictions as to the end of the war grew to the point where Administration spokesmen felt compelled to caution again and again that the end of the war was not yet in sight.

The search for new soldier material in the United States for an aggregate armed force of eleven million or more was coming into sharp conflict with industry's increasing demands for skilled workers for the "arsenal of democracy". There was trouble in getting long staple cotton pickers in Arizona. A call for volunteers to work at Pearl Harbor resulting in 81 men signing up for the transport's 250 berths. In the Rockies, a 40 percent wage hike did not attract sufficient copper miners.

Such incidents spurred the demands for a labor draft to complement Selective Service in the accurate placement of men for the war effort. Out of the sheaf of new bills introduced into Congress to meet the demand, two were given serious attention. The first was the Tolan-Kilgore-Pepper bill which was considered by the Senate Committee on Education and Labor. The second, which later outstripped its predecessor in attention, was again outlined by Grenville Clark and again introduced by Representative Wadsworth, teamed this time with Senator Austin.

TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION AND LABOR, IN REGARD TO THE TOLAN, KILGORE AND PEPPER BILL (S. 2871) TO ESTABLISH AN OFFICE OF WAR MOBILIZATION, DECEMBER 1, 1942.

Statement of E. Raymond Wilson, of the Friends War Problems Committee. (Mr. Wilson's opening remarks in respect to the proposed manpower draft will be found in the appendix.)

Senator H. H. Schwartz (Wy.), acting chairman: I would like to ask you if you can give me an estimate of the total number of people who are under the definition of conscientious objectors in this country.

Mr. Wilson: I don't know that there is any figure that would be very precise. The membership in the three historic peace churches I mentioned runs between five and six hundred thousand.

Senator Schwartz: That would be members who are already confined and those who are still in their early minorities.

Mr. Wilson: That latest figure which has been compiled, as of November 15, 1942, indicated that there are 5,124 conscientious objectors who were at that time in the sixty civilian public service camps. So, they are coming in now at the rate of five or six hundred a month.

Senator Schwartz: From your general knowledge, what proportion of those come from rural districts?

Mr. Wilson: Well, I expect close to 50 per cent. The largest single number are Mennonites and they are largely rural.

Senator Schwartz: Do any of the conscientious objectors object to doing agricultural work?

Mr. Wilson: Most of them would be willing to do agricultural work on the farm and some have been assigned to work on dairy farms in Connecticut and Wisconsin and New York.

Senator Schwartz: There is nothing, so far as you know, in that class of work, that would impinge upon their religious scruples?

Mr. Wilson: It would depend on the character of the agricultural work. For example, I was asked the other day by one of the men in the U. S. Employment Service, whether conscientious objectors would be willing to be assigned on long staple cotton farm in Arizona which are producing primarily for parachutes and other military purposes and our reply was that most of them would object to that.

Senator Schwartz: Then they would probably object to producing sugar.

Mr. Wilson: There is absolutely no final line.

Senator Schwartz: Or grain from which is made alcohol for use by the army.

Mr. Wilson: If a specific assignment was to a specific crop, as long staple cotton, which is now converted 90 to 100 per cent to military uses, then a great many would object to it. On the other hand, a great many would feel that if they were doing farm work which had been done before we entered the war and was primarily designed for the support of the total population in terms of food, that that would not be a violation of their conscience.

Senator Schwartz: We do not have many agricultural products that are not of vital necessity in the successful prosecution of the war.

Mr. Wilson: That is right, and it means that there is no complete and final divorce, as I see it, from some relation to the war effort.

Senator Schwartz: When they work in hospitals, they are also working directly—I mean military hospitals and other places—working directly in the interest of the successful prosecution of the war, aren't they?

Mr. Wilson: Well, those men at the present time are assigned to mental hospitals and to general hospitals which are not connected with victims of war; the hope is, also, that they might be extended also to tuberculosis hospitals, juvenile hospitals, juvenile delinquency and other areas of great social need at the present time.

Senator Schwartz: Well, our military hospitals have a great many men who are afflicted with tuberculosis.

Mr. Wilson: Yes, and that need has been discussed, and no final decision has been reached, as I understand it, in terms of using conscientious objectors in military hospitals. Some men in the hospitals might have objections, and they have every right to be considered as well as the conscientious ob-

jectors, and so that matter has not been undertaken yet, and wouldn't be unless there would be assurance that the relationship would be mutually welcome on both sides.

Senator Schwartz: As I understand it, none of the conscientious objectors object to a successful issue of this war in so far as the United States is concerned, do they?

Mr. Wilson: Well, they would vary at that point. Conscientious objectors, of course, believe that the war method itself brings so many other issues in its train, starvation and so forth.

Senator Schwartz: Well, if we lose the war the conscientious objectors will be in a very bad state, won't they, if Hitler and his outfit control the activities of the peoples of the world?

Mr. Wilson: Yes, they would, but the conscientious objector takes the political situation wherever it is. There have been conscientious objectors in Germany, not many but a few, and in France and in Poland and in the Scandinavian countries, also in Japan.

Senator Schwartz: From what I understand, they are disappearing fast in Poland by way of the firing squad and concentration camps where they simply slowly starve to death.

Mr. Wilson: Yes. In fact, I have been told that the largest single number of conscientious objectors in Germany were members of Jehovah's Witness, a great many of them were put in concentration camps and starved to death.

So that the conscientious objectors have been willing to pay with their lives for their testimony, if necessary, feeling that they were willing to have their lives used but not willing to take life.

Senator Schwartz: I know, but after all, if totalitarianism acquires control of the civilian population of the world, there will not be any witnesses left.

Mr. Wilson: Well, human liberty has had a tremendously long and involved struggle from the days of Caesar, the early Romans, and all, there have been people who did not submit, and the history of the early Christians is an example, for the first three hundred years, totalitarianism, brutality and violence on a scale pretty nearly as bad as today and yet they did survive the catacombs and crucifixions and the burnings-in-oil, the firing squad and all the rest of it.

Perhaps one thing that totalitarianism has not been able to overcome has been the human spirit. The groups in Norway that have held out most against the Quislings have been the Norwegian churches and in Germany the Catholics and Protestants.

While men may be wrong in their religious consciences yet it seems to us that to give people an opportunity to live by their higher insights is the most precious thing in religion and the most precious thing in a democracy.

Senator Schwartz: I am not critical of the religious opinions or convictions of anybody, but I just wonder whether it would not be a reasonable proposition for the man who has these convictions to say, "Well, it would be better to do what we could to win this war than to lose it and go through another thousand years, like we did from 400 up to 1400, where we had darkness and chaos", whether you would not be serving your conscientious principles better by saying, "Here is a short cut by which we can ultimately and more quickly establish our principle". The theory of what you understand, and what many of us understand to be the philosophy of Christ.

Mr. Wilson: The conscientious objector would take, for instance, a longer view of that. They would feel that the war came about because of a variety of questions and problems that were not solved, over the last 20 years, and, therefore, war does not arise just because of Hitler and Mussolini and the Japanese military clique, who prey upon unemployment and an alleged sense of injustice, upon attempts to secure power in the world, where power seems to be the dominating arbitrator.

And also the conscientious objector believes, from history, that military victory itself tends to be a pretty transitory thing. We were on the winning side in 1918 and the Allies had almost complete power to dictate the terms of the peace, and the major political and economic apsects of the postwar world and yet in 14 years, the struggle for peace has pretty much been lost. Chaos in Germany thrust Hitler forward, impoverishment in Italy gave Mussolini his chance, the fact that Japan nursed a sense of grievance against Russia, a feeling of insecurity against the rest of the world gave the military clique in October, 1931, an opportunity to seize power, which they have held.

So that military victory in 1918 didn't assure the peace. The C.O. is concerned about the whole range of efforts to organize the world, to get security, to work out an eco-

nomic life throughout the world, that will give a better chance for peace; he is concerned about minorities in this country and abroad, concerned about steps that can be taken to transfer the world of colonies and imperialism to more of a cooperative, self-governing world and concerned about the chance we have, as the most powerful nation at the present time, to contribute by peaceful methods to the reconstruction of the world.

Senator Schwartz: Do you think we were or were not justified in getting into this war, or having been pushed into it, and being pushed into it, we carry on?

Mr. Wilson: I think most of my associates feel that our being in the war goes back to a great many situations which led up to it.

Senator Schwartz: Well, I am taking the position that a time comes when we are in it. Do you think we are justified in our defense, when we are thrust into it, are we justified in our present efforts to win the war?

Mr. Wilson: Well, the conscientious objector takes the position of pretty clear defense from national policy, believing honestly that a military method itself tends to be self-treating in the long run.

Senator Schwartz: What is your solution, what are we to do, what is this nation to do?

Mr. Wilson: We would have to start back, of course.

Senator Schwartz: If the Versailles treaty was a failure, does that mean that we shall not attempt to do anything again, and we shall permit the dominant totalitarian power to take over the world?

Mr. Wilson: It seems to me we should make every effort to try and—

Senator Schwartz: Convince Hitler?

Mr. Wilson: The problem of Hitler is partly a problem of the German people who have given their allegiance to Hitler.

Senator Schwartz: Well, I don't mean the German people: I mean the military caste and Hitler tied to them.

Mr. Wilson: I wish, for example, that we could offer to the German people a real cooperative place in the postwar world if they would throw out Hitler and the Nazis.

Senator Schwartz: Haven't we offered that in every way we could? Haven't we proposed to permit all peoples to conduct their own government, provided, of course, it is not a military government, based on force, and if they want to establish a democracy, possibly, that with this government in the position it is now, it would have more support than the Germans had when they attempted to establish a democracy after the Versailles treaty?

Mr. Wilson: I think we need to keep on saying it. The Atlantic Charter, on the whole was fine, but the eighth point, when it talks about the unilateral disarmament of Germany, brings up memories of the twenties, when the German people were misled by their own military group and their willingness to support Hitler, and it seems to me that if Great Britain and the United States had gone farther in that and said the thing we really would like to see in the world would be, as fast as we could to develop a system of international security, and when the German people were willing to form a government which would cooperate with the rest of the world, that then they would not be subject to political or economic or military discrimination.

Senator Schwartz: Don't you believe that when peace comes, if we win the war, the United States will have a very powerful influence in what takes place?

Mr. Wilson: I think we will have the most powerful influence of any nation.

Senator Schwartz: And don't you think the pronouncement, original and since then, by the President of the United States who speaks for the United States, indicates that we are going to make every effort to do that thing which desire to see done throughout the world?

Mr. Wilson: Well, even Mr. Welles, in his speech about two weeks ago, urged that greater collaboration take place among the United Nations, and it seems to me, as I recall that speech, by inference, he also indicated the desirability of a more precise statement of our war and peace aims.

Senator Schwartz: Excuse me for interrupting. Go right ahead now with your statement.

Mr. Wilson: I have tried to indicate, Mr. Chairman, that these situations will arise if power or manpower allocation becomes compulsory, and the belief that the Congress, so far as legislation is involved, will want to take these situations into account, and to make every effort to provide an intelligent solution for them, in line with our efforts to maintain religious and democratic life.

We realize that you do not agree with us in principle but you are concerned that men shall have every opportunity to be honest in his convictions and to try to serve the national welfare in line with what they believe.

Senator Schwartz: It does not follow, because of my questions, that we do not agree with you so far as your conscientious principles are concerned. It is just a matter of the application of it.

To my mind, there should be certain categories in which to classify them, because I do not believe it is advisable to take up each individual case and to hear his side, as to whether or not he can do anything at all, or won't do anything.

Mr. Wilson: Well, that particular small group that I mentioned might have been handled easier by complete exemption.

Senator Schwartz: Do you have something you want to put in the record?

Mr. Wilson: I would like to, if I might submit it later today.

Senator Schwartz: You may do so. Thank you for coming here.

TESTIMONY BEFORE THE SENATE MILITARY AFFAIRS COMMITTEE IN REGARD TO THE AUSTIN-WADSWORTH LABOR-DRAFT BILL. MARCH 26, 1943.

Statement of Robert Yarnall, Germantown, Pa. (The section of Robert Yarnall's remarks dealing with conscientious objectors will be found in the appendix.)

Statement of Paul Comly French, National Service Board for Religious Objectors, Washington, D. C. (Mr. French's statement will be found in the appendix.)

From the statement of Hebert H. Votaw, Seventh Day Adventists.

Mr. Votaw: I think that one more protection for the sake of tender consciences should be placed in this bill. May I suggest it?

"Provided, That nothing contained in this act shall be construed to require any person to be employed as a production worker in any line of work to which he is conscientiously opposed by reason of religious training and belief."

This applies to a very few, and I know none of them in our own church, I do not know of one it would affect. I am speaking of others now that would object to manufacturing munitions. I think it ought to be provided that such men might work on a farm, or some other line of effort.

Senator Austin: Probably such persons would be disqualified for such work. The bill does not require a citizen to do anything more than he is qualified to do and selected for. It would be a stretching of the authority beyond its intent to apply it to such a person, I am sure.

Mr. Votaw: But, Senator, in view of the fact that the original act of the Congress that provided for the drafting of men was broad enough to care for conscientious objectors, would it hurt if this were put in?

Senator Austin: I do not think it would hurt any at all. I speak that way not as against the suggestion but as tending to show that it is in line with what I understand to be the liability created by the act.

Mr. Votaw: Of course, you know that much better than I do.

Senator Austin: I drew that section of this bill myself. That is one of my contributions to this bill, and I can say to you that there have been fears expressed about the whole bill that I think are entirely groundless, in view of what really the liability of the citizen is as stated in the bill. Such a thing as that is all right, I have no objection to it.

Mr. Votaw: It just occurred to me that since the Congress had already shown that breadth of comprehension and understanding in the original act, where really much more was involved, that it would not hurt to have it a part of this measure, and I felt it would help to protect against some things that might occur. I think you gentlemen

can readily understand if we do not have these safeguards an overzealous man in endeavoring to carry out—I would not say he was willful—what shall I say? Prejudiced or biased.

Senator Austin: He would not have to be a persecutor per se.

Mr. Votaw: That is what I am trying to say, Senator. Thank you. It would be easier in the emergency of the situation in which we find ourselves to find a man exercising power. There are not many men in the world to whom you can trust power without some safeguards. The founders of our Nation evidently had this in mind when they got up the three branches of the Government and set up certain things for the benefit of all.

Congressional curiosity prompted an unscheduled discussion of conscientious objectors and their treatment early in 1943 during House consideration of a deficiency Selective Service budget.

TESTIMONY BEFORE A SUBCOMMITTEE OF THE HOUSE COMMITTEE ON APPROPRIATIONS IN REGARD TO THE FIRST DEFICIENCY APPROPRIATION BILL, 1943.

From the statement of Major General Lewis B. Hershey, February 8, 1943.

Louis Ludlow (Ind.): A member of the committee who could not be here asked me to present some questions.

What becomes of the conscientious objectors? Are any of them permitted to remain on their jobs, either essential or nonessential, or are they all sent to camps for objectors? Could you answer that?

General Hershey: I can give you a statement quickly on that. Do you want me to do it now?

Mr. Ludlow: Yes

General Hershey: The men who can qualify in 2-C, which is an agricultural deferment classification, or 3-C, also an agricultural classification in which class the major amount is, are left on the farm.

Mr. Ludlow: You are speaking now about the conscientious objectors?

General Hershey: Yes. We do not raise the question of conscientious objection if he can be otherwise deferred. However, if he has no other reason for deferment, he is inducted into either the noncombatant services of the armed forces or he is sent to a camp where he is placed at work of national importance under civilian direction. At the present time some of them are used as attendants at hospitals for the insane operated by the states.

This hospital work is being expanded rapidly. At the present time we have 33 hospitals for the insane operated by states where conscientious objectors are used as attendants. An objector is sent there and becomes an attendant, and the state feeds, clothes and pays him $2.50 a month spending money.

John Taber (N. Y.): And he works?

General Hershey: Yes. He is there working as an attendant, taking the place of people that have gone into defense industries and into other places, leaving these hospitals for the insane in the states short of attendants, and which are having a terrible time getting suitable personnel.

Mr. Ludlow: Do you know what the percent of the conscientious objectors is now as compared to what it was in the last war?

General Hershey: I do not have the figures. It is a great deal less. We have only 6,600 of them in the whole United States.

At this point the committee went on to other matters.

From the statement of Major General Lewis B. Hershey, February 10, 1943.

Richard P. Wigglesworth (Mass.): Mr. Ludlow asked you for some figures heretofore on conscientious objectors when you were here the other day.

General Hershey: I would like to answer the question over again because I got a little confused as to what I was to furnish.

Mr. Wigglesworth: How many conscientious objectors have you found in the course of inducting 4,000,000 men?

General Hershey: At the present time in camp I think there are 6,686.

Mr. Ludlow: I asked you how that compared with the number in the World War.

General Hershey: I am sure that is better. I will have to get that. I will furnish that information.

(The data above referred to is as follows:)

According to the second report of the Provost Marshal General, 64,693 claims were made, of which 56,830 were recognized. This was for the 21-30 age group. I have no figures for the total age groups registered.

General Hershey: During the First World War a number resisted induction and were incarcerated. Some were court-martialed after they went into the service.

J. Buell Snyder (Pa.): Do they seem to come from any particular centers or was it pretty well distributed?

General Hershey: You have two distinct types of people who are conscientious objectors. You have the historical group, the Mennonites, the Brethren in Christ and the Quakers which account for 65 to 70 percent. Then you have 116 other creeds which account for the other 30 to 35 percent. Of the first three creeds I think you can start with Pennsylvania on one side and North Carolina on the other, and you will see a certain trend that leads across the center of the country and leaps the mountain states and has a little center in California.

Malcolm C. Tarver (Ga.): What do you do with these fellows?

General Hershey: The conscientious objectors are sent to camps. We started out by taking over projects the C. C. C. were giving up. At the present time we have several camps that are engaged in fire prevention in the forests. They do reforestation and fight fires.

Mr. Taber: Why not put these fellows to work where they have to do a day's work instead of letting them take a soft snap like that?

General Hershey: Well, some of these camps are 100 to 200 miles from practically nowhere. They are not considered very desirable soft snaps. I do not think it is considered very much of a snap to live up in the woods. There may be some controversy, but I do not believe they are considered snaps. We have some 346 conscientious objectors who are acting as attendants in hospitals for the insane. That is a task which at the present time we cannot hire people to do. That is one of the classes of work where there is the greatest shortage, and it is almost impossible to obtain attendants in hospitals for the insane. Initially we had to try to find some place to put them and trying to hire them out is not easy for several reasons. You run into a great many difficulties on account of the sentiment in the communities. You run also into the question of getting some sort of work for them to do and you may run into the labor organizations who will interfere. Sometimes the American Legion has had ideas where they should be put and there is always the question of where you can maintain them. You see, they get no pay.

Mr. Taber: You have $802,340 for all expenses, except travel. Does that mean that you feed them and then let them pay their own expenses?

General Hershey: They pay for their own food and they buy their own clothes. We do furnish them blankets and mattresses and that sort of thing, and we furnish the housing for them. We furnish travel expenses, and we have to pay for the work of supervision by the Department of Agriculture in the camps. In the hospitals, the superintendents of the state hospitals act as superintendents of the conscientious objectors and we pay them nothing. We do not pay in the camps the service personnel, for the cooking and that sort of thing. The religious organizations pay for that help if any of them are hired. They pay them and we do not.

Three bills specifically relating to conscientious objectors were introduced into the 77th Congress during the first few months of 1943. One of these (H. R. 2142) was introduced, by request, by Carter Manasco, Representative from Alabama, and would have denied employment "in the Federal Government to conscientious objectors and persons refusing to subscribe to an

oath to uphold and defend the Constitution of the United States". It never got out of committee.

Another struck at the entire conscientious provision in the act, offering to delete all mention or legislative consideration for C.O.s, noncombatants and IV-E assignees alike. This was introduced, again by request, through Senator Elmer Thomas, of Oklahoma.

The third bill was another attempt by Selective Service to secure accident compensation for C. P. S. men. In the interests of speed, the proposal was introduced simultaneously in both houses of Congress.

In the Senate, the Military Affairs Committee took up together the proposed Thomas amendment and compensation bill.

TESTIMONY BEFORE THE SENATE MILITARY AFFAIRS COMMITTEE, ON S. 315 AND S. 675, FEBRUARY 17, 1943.

The Chairman (Senator Robert R. Reynolds, N. C.): Gentlemen, we have the honor of having with us this morning, in addition to the representatives of the army, Senator Elmer Thomas, of Oklahoma, who is the author of Senate bill 315. The gentlemen of the army have very courteously agreed to let us hear Senator Thomas first, although several of them are in a hurry to get to other meetings, but Senator Thomas advises me that there are several of his committees meeting this morning, that he wants to attend, so he will take a very limited time.

I might add that Senate 315 has been submitted to the various departments for comment, but we have received no answers to any of our inquiries, so far.

Senator Thomas.

Statement of Elmer Thomas, United States Senator from the State of Oklahoma.

Senator Thomas: Mr. Chairman and gentlemen of the committee, recently I received a communication from the officials of the American Legion of my State of Oklahoma. This communication is in the form of a resolution, and I will read the paragraph I want to call to the attention of the committee:

Be it further resolved, and we petition, That the national legislative committee of the American Legion petition the Congress of the United States of America, for a change in the Selective Service Act, so as to eliminate the classification of "conscientious objectors", and amend the law so as to provide that all men subject to the draft shall do service in the armed forces of the United States.

I will file this entire memorandum for the record, with the chairman's permission. It was sent to me by W. F. Rogers, Jr., department commander, and also by Milt Philips, department adjutant.

Upon receipt of this communication, I requested the Senate drafting department for a bill to seek the effectuation of the resolution.

I received the draft from the service, introduced it into the Senate and it has been referred to this committee.

It is known now as Senate 315.

The bill is very short, reading as follows:

That section 5 of the Selective Training and Service Act of 1940, as amended, is

amended by striking out subsection (g) thereof.

I sent a copy of the bill, as introduced, to the American Legion of Oklahoma, and I have a reply, in the nature of an approval of the act, and inasmuch as it is very short and it will complete the record I want to make, I will read it.

The letter is addressed to me and signed by Milt Phillips, department adjutant:

"This acknowledges yours of December 21, and also yours of the same date addressed to Commander W. F. Rogers, concerning the amendment to the Selective Service Act's provision dealing with conscientious objectors.

"The proposal to entirely eliminate subsection (g) will do the job. As I understand it, from checking the Selective Service Act, the striking of subsection (g) will eliminate any reference or any legislation affecting conscientious objectors, and they would therefore be subject to selective service in the same manner and under the same provisions as any other citizen.

This is exactly what we want, and I trust you will be successful in securing this amendment. Please advise us when you introduce this and give us its number so that we may inform the Legionnaires of this department through our publication."

Mr. Chairman and gentlemen, that is the record I desire to make. It is very simple and states the purpose of the bill, and I believe I will leave it for such consideration as this committee may see fit to give it, and I hope you will give it your full attention. Thank you very much, gentlemen.

The Chairman: You are quite welcome, Senator. We are very glad to have had you with us this morning.

We will, in due time give that consideration. Now, gentlemen, I have some twenty-odd letters here in reference to this bill, S.315, which the reporter will copy into the record.

(Here 34 letters to the Senate Military Affairs Committee, all opposing the bill, were included in the record. Following this, the committee took up S.675, the proposal to extend to conscientious objectors the benefits of the Employees' Compensation Act. To open the subject, the letter requesting the legislation, from Major General Lewis B. Hershey, was read. General Hershey was then called to testify.

Statement of Major General Lewis B. Hershey, Director, Selective Service System.

General Hershey: Mr. Chairman and members of the committee, I think I can be very brief. As the bill was passed in the last Congress, by the Senate, it was not taken up by the House and I want to call your attention to the fact that these men are not compensated, they serve under civilian direction, in lieu of army service, under the provisions of the Selective Training and Service Act.

In addition to the reasons we had last year, we have some additional reasons now. We have, for instance, three projects that bring us into situations where we think this bill will be particularly needed.

For instance, in our forestation camps, we are going to train some of these men as parachutists, in other words, they are going to be used for putting out forest fires, by getting them into areas where fire exists, by airplane; and, there is a need for some disability compensation for these fellows who are engaged in that service.

Then, we have a project under the Coast and Geodetic Survey which involves a rather large mapping project they are going to undertake, and at the present time we have a project involving several veterans' hospitals, the first in New Jersey, and as the members of the committee know, we have about 32 state projects and there is a highly different situation in the state hospitals than the veterans', and no way of taking care of them, or avoiding suits against the government, under the present law.

We used the $42 as a basis in the bill because it is about the pay of a C. C. C. boy, and as these men are drawing no pay, we could not use their compensation as a basis.

I think, unless you gentlemen have questions, that about covers the matter.

Senator Mon C. Wallgren (Wash.): This morning Senator Thomas proposed a bill in here to do away with these conscientious objectors.

Senator Austin: It was to strike out subsection (g).

General Hershey: I am here prepared to testify on S. 315, also.

Senator Wallgren: Do you think that we can go ahead with a determination on both,

or complete the discussion on 675 and then take up 315?

General Hershey: I might say that I am here testifying on 675. It is in accordance with the present plan and program, and I have a clearance of the War Manpower Commission, of which I am a part. There has not been a report made by the Selective Service System on S. 315, and therefore my testimony on that must be considered with the limitation that I do not presume to represent the Presidential program viewpoint, or the viewpoint of the Chairman of the Manpower Commission.

The Selective Service System believes that the Selective Training and Service Act of 1940, as amended, has, as a practical matter, reasonably solved a rather distressing situation, as in all wars, that of what to do with those whose conscience prevents them from participating in full measure in the army.

S. 315 provides not only for the elimination of all such civil work, in lieu of service in the army, but also noncombatant service in the army, itself, and while I do not persume to testify from the army's viewpoint but from sources within the army, I would like to say that I am opposed to S. 315 for two reasons:

First, that it does unload on the army the necessity of knowing what to do with some ten or twelve thousand individuals who are opposed to active participation in the war.

Senator Wallgren: What is the number today?

General Hershey: I think General Osborn perhaps may be prepared to give the number in the army who are accepting noncombatant service. We have just under 7,000 in our camps, and in camps I include some 44 actual camps and 32 hospitals for the insane, and certain other projects.

I might say that under our system, we have had about 10 percent of those who were originally classified in 4-E, that is, that were sent to work camps, later changed their minds and applied for army service, and that percentage is staying up throughout.

Senator Chan Gurney (S. D.): Could I have that percentage—you mean you only have 10 percent left, or what?

General Hershey: Ten percent asked for service, more active service in the army, generally going into noncombatant service, and I would like to say that I believe the percentage would increase, rather than the contrary, due to orientation, as the situation goes on; and secondly, the army, I think, has announced that they guarantee them service in the Medical Corps, and that settles a great many problems of conscientious objectors.

Some would not hesitate to accept service in the Medical Corps, where they would decidedly hesitate service that somebody else might say was noncombatant.

I think there is no question but what we will have more volunteers than we had before.

Senator Warren R. Austin (Vt.): Is the theory that these men are perfectly willing to give their own lives, take all the hazards of losing their own lives, being injured, but they are unwilling to take anybody else's life?

General Hershey: That is exactly the theory that they have operated under, and they must, in each individual case, decide in their own conscience what they think they can be doing, and be sure of the fact that what they do does not contribute, directly or indirectly, to the taking of somebody else's life.

There has always been an argument as to what constituted actual participation in a war. I think a great many of them think that the making of shells contributes to the war and the taking of someone else's life, whereas they might grow the substance from which the powder is made and yet feel the connection is so remote that their consciences would permit them to do it.

Senator Joseph C. O'Mahoney (Wyo.): Are you satisfied, General, that this conscientious provision of the act is administered in such a way as not to become an invitation to mere slackers?

General Hershey: I should of course call your attention to the fact that I am prejudiced, but I wholeheartedly believe that. At first we thought there might be a possibility of getting 1 percent of total mobilization as conscientious objectors, and we find that we only have now 7,000 under a mobilization running up to almost 8,000,000—you can see that it is getting about one-tenth of 1 percent.

Senator O'Mahoney: Then your position is, and your representation to this committee is that those persons who have been exempted as conscientious objectors are, in truth and fact, precisely that?

General Hershey: Yes, sir.

Senator O'Mahoney: Persons whose emotions, or whose emotional structure is such

that they honestly and in good faith are unwilling to contribute to the killing of human beings?

General Hershey: Yes, sir; as a soldier—I should say a former soldier—I may say that their presence in those camps is very unfortunate, because they will go to prison or anything, except that they will not serve, and some of them have the martyr complex, some are a little psychopathic, and as a rule, sometimes if they are left completely alone, they will come around, whereas, if you arouse opposition, you develop a martyr complex and they would do anything rather than fight. I would like to deprive the army of having that problem to deal with.

Senator O'Mahoney: And at the present time, it is your theory that, if left alone, you can amply take care of these persons with this nervous structure?

General Hershey: Yes, sir; and we have salvaged about 700 out of this 7,000 already. I think, in time, more will be salvaged.

Senator O'Mahoney: Now, you realize of course that many people—to many of them 675 would normally react in some such manner as this:

Why should we pay unemployment compensation to a man who refuses to serve his country in the army when millions of men are doing it?

Can you answer that?

General Hershey: I do not know that I can answer it, but the Congress—and I believe in its wisdom—did say that they would have the right, under proper safeguards, to perform work under civilian direction, and I do not believe that the government as an employer can escape its responsibility to an employee. I think, after the war is over—before it is over—we have got to face the problem of, if they are injured, that they have some claim as an employee.

Senator O'Mahoney: Well, the argument as you see it is the argument that the sponsor of the bill makes, that since the Congress, by a law which was properly approved, granted exemption to men who in good faith could not conscientiously serve in the war, authorized their employment in a civilian capacity—this Congress should not punish them by denying them the benefits that come from the compensation law?

General Hershey: That is right.

Senator Wallgren: Now, Senator O'Mahoney, this morning Senator Thomas was in here, speaking in behalf of his bill, S. 315, to amend section (g), or subsection (g), of the Selective Service Act of 1940.

He further read a letter, or a resolution composed and authorized by a convention of the American Legion down in his section, and this resolution was read before the committee. This resolution backs his bill to the limit. Could I ask your view on that?

General Hershey: I would like to make a statement on 315.

At the American Legion convention a resolution very similar to that was presented to the National American Legion last year, and by the national convention rejected. I am just merely saying that this, to my knowledge, does not represent the views of the entire Legion; to my knowledge no other department has passed this resolution, and I will say that my relationships—and I do say it with some pride—with the American Legion are rather close, and I have no desire to be at all critical of the American Legion.

As a Legionnaire, with some knowledge of their reactions, I rather challenge that this represents any large number of the departments, and it affirmatively defined that the national convention itself would not accept it; it did not get out of committee.

Senator Gurney: General, may I ask along that line, does the American Legion approve the paying of a wage to conscientious objectors?

General Hershey: Paying a wage to conscientious objectors?

Senator Gurney: Yes; a wage. I notice $42 a month here, as pay.

General Hershey: No, sir; that is only used as a basis for judging the compensation value.

Senator Gurney: I see.

General Hershey: The fact is that they were not paid. At the present time the law permits payment, we believe. However, we do not think they would accept it. It is our opinion that the great mass of conscientious objectors believe that it is not good public relations to pay them anything. First of all, it sets up a criterion of a man being compelled to accept something, rather against his interests, to be a conscientious objector—in other words, he is denied any pay.

Senator Gurney: He does not get any pay now?

General Hershey: None.

Senator Gurney: Does he get his housing?

General Hershey: I might say the government furnishes the housing and bedding, but the feeding, clothing, and so forth, come from religious organizations that put up the money.

Senator Gurney: The government itself is not incurring any expense in his upkeep?

General Hershey: It is incurring the expense of hiring a supervisor who lays out the work for them.

That is not always so, because in some of the various states the superintendent of hospitals is carrying on that work without pay from the Federal Government.

The man himself pays $35 a month and furnishes his clothes. If he does not have the money, these religious organizations undertake to finance the men who cannot furnish the $35. They feed them, too, and from the $35 they give him $2.50 to use for his own personal purposes, such as buying cigarettes, additional clothes, toothpaste, toothbrushes, and so forth.

Senator Wallgren: He is employed, anyway.

General Hershey: Oh, yes.

Senator Wallgren: Does he get any money for his work?

General Hershey: No, sir; he gets nothing.

Senator Wallgren: You are treating these fellows worse than the Japs.

General Hershey: Maybe so, but we have, in your state, groups in two of your hospitals for insane, and there the food and so forth is furnished by the State of Washington in return for their services, and as to the $2.50, the State of Washington pays them for taking care of these various matters.

Senator Gurney: May I ask this question: The basic law says, "under civilian instruction" the government may take care of these objectors?

General Hershey: Yes, sir.

Senator Gurney: Do we have a man in the Federal Government who is at the head of this program?

General Hershey: Well, the Director of Selective Service has been made the director of the program by the President.

Senator Gurney: You are not a civilian, as I see it.

General Hershey: It did not say, "under a civilian"; it said "under civilian direction". No one has ever challenged it and I truly believe I would say, with a little satisfaction to me that the groups mostly involved agree that I am a civilian, at least when I deal with them.

Mr. A. S. Imirie, of Selective Service: May I say that at the camp level, the direction is all civilian, by Federal employees of the United States Government or by superintendents of state institutions.

General Hershey: I think we might make one more statement there.

The directors of these camps are hired, also, by the religious groups. The government does not pay them.

Senator Wallgren: General, where is the greatest number of these men; where are they now?

General Hershey: At the present time in camps, because of the fact that the camps were originally the projects we went into.

Senator Wallgren: What type of camps?

General Hershey: Former Civilian Conservation Corps camps engaged in projects under direction of Forest Service, Farm Security Administration, National Park Service, Bureau of Reclamation, the General Land Office, Soil Conservation Service, and Fish and Wildlife. There is one camp in Puerto Rico on reconstruction, and one camp in Florida working under the State board of health, on sewerage and the like; it is what you might call a privy-building detail.

Senator Wallgren: Are these camps just for that purpose?

General Hershey: Entirely.

Senator Wallgren: Alone—I mean, there are only conscientious objectors there?

General Hershey: Yes, sir.

Senator Gurney: And you say that you are not paying them anything for their work?

General Hershey: No, sir; and never have. I know it is different than anything else, but that is the way we have been running it for a good while.

Colonel Francis V. Keesling, of Selective Service: In connection with the allotment and allowance bill your committee considered briefly whether allowances should be paid to families of Class IV-E, conscientious objectors, and decided against such payments at that time.

General Hershey: I think that we may come up again with such a proposal, but at the present time the government does not make any allowance payments to families of IV-E conscientious objectors comparable to those paid to soldiers' families.

Senator Wallgren: How are these camps policed?

General Hershey: How are they governed?

Senator Wallgren: Yes.

General Hershey: We have a director; they furnish a director, and he is responsible to us. We have Mr. Imirie, and Colonel McLean here, two of the people who spend quite a little time in the field inspecting them. We exercise the right of governing.

Senator Wallgren: Are they under guard?

General Hershey: No; not at all.

Senator Wallgren: They are allowed to just roam at will.

Mr. Imirie: The regulations of the camps are comparable to those under which a man in the army serves. That is, he is given 30 days' furlough a year. He can have his week ends off. He can have his nights free, but he is in at 10 o'clock unless he has a special pass. Any infringement of regulations is treated by reference of the case to the Department of Justice.

Senator Wallgren: Who handles the issuing of passes?

Mr. Imirie: The camp director.

Senator Wallgren: And how many men are employed under him?

Mr. Imirie: He is a government officer, and in that he is responsible to us; but he is paid if at all, by the groups and not by the government.

The only paid men, government men, are the project superintendents and such technicians as might be necessary to direct the men on the work program.

That is the only government cost, plus the materials and equipment necessary to do the job.

Senator Wallgren: Do you not have outside superintendents like someone to direct the work?

General Hershey: We pay them.

Senator Wallgren: How much of a set-up is that?

Mr. Imirie: Three to a camp, usually.

General Hershey: That would be about 130.

Senator Wallgren: Like a camp superintendent and two or three foremen?

Mr. Imirie: Yes, sir.

Senator Wallgren: You do have that?

Mr. Imirie: Comparable to the C. C. C. set-up.

As a matter of fact, most of the camps were abandoned C. C. C. camps, where the projects had not been completed.

General Hershey: I would like to say that down in the southern territory we are very much concerned because the rainfall has not been high, and when the C. C. C. camps were deserted, and the men moved out of the forests, we took over those camps, and one thing that has worried us is the danger of early fires; that is one reason we are trying this parachute project to try to handle the situation in that way.

Senator Wallgren: How long have they been in the camp?

General Hershey: We started in May, 1941.

Senator Wallgren: What kind of record have they made up to now?

General Hershey: We are rather proud, but, on the other hand, we are rather prejudiced.

The very fact that we are the head of it creates a situation where, if we criticize, it would tend to be a criticism of ourselves, because if we wanted it different we could have it operated differently.

I, personally, am very much sold on this.

Senator Wallgren: You mean to say that in these camps that these men are under the direction of a superintendent and two or three foremen and are taken out to do regular C. C. C. work?

General Hershey: Yes, sir; in these 44 camps.

Senator Wallgren: And receive no pay whatever?

General Hershey: They receive no pay; and the $2.50 they furnish themselves, and pay their board and furnish their clothing.

Now, I would like to say this: We are in a transition period now; we are going to leave a lot of these forestry camps and soil-conservation projects, because we cannot get the necessary materials to continue the work, and we are reaching now in the direction of hospitals for the insane.

Senator Wallgren: How long will it be before we go into this new project for development of these 32 hospitals?

Mr. Imirie: June.

General Hershey: Yes; that will absorb a considerable number of men.

Senator Wallgren: Then, under this, you are putting them under the compensation act and assuming they are receiving a wage of $42 a month?

General Hershey: For the purpose of figuring out their compensation.

Colonel Keesling: General, you might state what demand has been for these men for service in the hospitals.

General Hershey: Last Saturday I had a request from the governor of one state for over 5,000 men for a hospital for the insane.

That is but one state. The State of New York, which has over 90,000 inmates and normally has 20,000 attendants, and they have dropped down now to 15,000 attendants, and they want 5,000 additional, which is out of the question at the proper rate to be devoted to service in any one state, but that would give you some idea of the demand.

I could use—how many—50,000 if we had them.

Mr. Imirie: Yes; if we had them.

Senator Wallgren: Do you feel that they should be paid?

General Hershey: Definitely not. It would destroy the best public relations. The thing we have to consider is they have not received any pay so far, and I think I would be supported by 60 or 70 percent of these people, who consider that that is one of the contributions they are making to show that they are really conscientious objectors and conscientiously believe what they came to believe, and I know some that will not accept, under any circumstances, government money. I do not believe any of the Mennonite Church members, by and large, would accept any money.

Senator Wallgren: You do have branches of your service that are considered noncombatant?

General Hershey: Yes; and my understanding is that there are five or six thousand at least in those categories, but they went into the service, and they get paid—4,500 is the proper number.

Senator Chapman Revercomb (W. Va.): Mr. Chairman, I have not followed this closely, having been engaged for a moment here on another matter, but did the C. C. C. boys come under the Compensation Act?

General Hershey: Yes.

Senator Revercomb: And then did you have trouble to get these men to work?

Mr. Imirie: We have a very small percentage who have refused to work, and they are immediately turned over to the Attorney General for prosecution.

General Hershey: I would like to say that the Jehovah's Witnesses have been the one group that we have not had any satisfaction with, taking them as a group. Normally, they do not go to camp, but when they do go, we have lost most of them, and we have had, eventually, to turn them back to the Department of Justice.

I would like to have Mr. Imirie check, but some 65 percent of those men who come from the so-called historical creeds, by and large, tender themselves for work and will do what they are told, without trouble. The other 35 percent come from about 116 different creeds, from intellectuals and all sorts of people, and that is where the trouble comes from.

Then we have some rather border-line cases, from a mental standpoint, or from a behavior standpoint, many are pretty close to it and have a certain amount of erraticness that tends to be abnormal, but they are not institutional cases.

Colonel Keesling: I think you ought to explain and review for the committee the fact that the Department of Justice entered into the picture in classifying some of the men.

General Hershey: The situation today is better, comparing this war with the last war, in that unfortunately in the last war, there was no provision except for service in the army, and most of the discipline tended toward court martial. I think wisely, that Congress set up the clause that whatever discipline was to be taken would be handled by the Department of Justice and thus relieve the army of the trials of people who violated the act itself by conscientiously objecting, or otherwise.

Now, the Department of Justice, if a man is convicted, shares with us the decision as to when those people are going to be allowed to take advantage of the provisions in this act which permit different parole policies in connection with a man convicted under the act.

Some of the men convicted under the act go into the army, and therefore they do not have to serve the length of time in prison they normally would have to serve before going in. Congress made that provision before they passed the bill, but the Department of Justice is the disciplining agency for violations of the act, not the army and not the Selective Service System.

Colonel Keesling: The Department of Justice also has hearing officers who make recommendations as to whether or not regis-

trants are bona fide conscientious objectors. Such hearings are held and recommendations are made in case of appeal.

General Hershey: Yes, sir; a man is not deprived of his rights in that connection. His case first comes up before a local board, and in case of appeal a hearing officer from the Department of Justice makes a finding of fact, and refers it back to the board, and the appeal board, in view of all of the evidence and the presentation of the hearing officer's evidence, disposes of the case and that finishes it, unless it is appealed to the President.

Senator Wallgren: How many of these objectors are A. W. O. L. right now?

Mr. Imirie: I should say less than 50.

I might say that is not the total number of delinquents under the Selective Service Act, but the number of conscientious objectors that are A. W. O. L., as you put it. There are a number of delinquents, who are not conscientious objectors.

General Hershey: All you mean is that there are a large number who have failed to register and so forth, but your answer spoke of those people who have gone to our camps and are now absent without leave, conscientious objectors without leave; is that not true?

Mr. Imirie: Fifty was the answer to that.

Senator Wallgren: They are ones who have been in camp and have just gone A. W. O. L.

Mr. Imirie: Yes, sir.

Senator Gurney: And do you keep a good record and know where they are?

Mr. Imirie: We have all that here in Washington at the national headquarters. It is a simple operation with no field offices. The records are kept through the technical agencies and the Interior Department work program.

General Hershey: I think by and large, the great majority agree that the thing, itself, is a fine thing, and we have tried to parallel the army in the privileges and the withholding of privileges, and the granting of passes. We have pretty much applied to them about what the army does. We do ship them away from their homes, we do not let them stay in their home territories.

Colonel Keesling: Or, on the property of a relative.

General Hershey: That is a very bad public-relations situation, there.

So, we bring these people east from the west coast and take them to the west coast from the east, which might involve a little more transportation but it does have certain very definite advantages.

Mr. Imirie: It might be stated here, gentlemen, in connection with Senator Thomas' bill and this objection from Oklahoma, from the Legion out there, that on a recent trip to a New England state, setting up these men in the state mental institutions in the States of Maine, New Hampshire, Vermont, and New Jersey, the veterans' organizations approved the use of these men in that capacity so that when the General has said perhaps that does not represent the Legion's sentiment throughout the United States, that is a point that wants to be considered.

General Hershey: I think it might be said furthermore, that we are going to set up a trial unit in a veterans' hospital in New Jersey, but that has not only the tacit approval, but I think the advocacy of the American Legion of New Jersey.

Mr. Imirie: Definitely and by a resolution.

Colonel Keesling: I believe that a representative of the Legion would be willing to come here and present their viewpoint, the national viewpoint of the Legion. I was talking with them this morning, and I have here a paragraph that was contained in one of their communications that I will read for the record.

Senator Wallgren: You mean might come here on this other bill?

Colonel Keesling: Yes, sir; S. 315, because I heard Senator Thomas, of Oklahoma, state that he introduced it, I believe, as a result of a resolution of the local American Legion, and I should like to read this one paragraph, if I might.

Senator Austin: Is that from Mr. Sullivan?

Colonel Keesling: It is from Mr. Bruce Stubblefield, executive secretary, and states:

"At the time of our national convention in Kansas City, there were some resolutions presented with reference to conscientious objectors, but the resolutions were rejected by the committee that considered them, feeling that the army was handling the proposition satisfactorily under the circumstances, and also feeling that it would not be proper to take these men into the army because of their attitude and the further fact that no commanding officer would want to go into battle with a conscientious objector."

Senator Wallgren: Would this bill be retroactive?

General Hershey: You mean that 315?

Senator Wallgren: No; 675.

Mr. Imirie: I think it should. As an example, we had a conscientious objector drowned while searching for a lost plane of the Coast Guard. Now, there may be a claim arising from that.

We have had men who lost fingers, suffered the loss of legs, all under government supervision, that is, Federal direction, supervising employees—men injured in soil conservation work, National Park Service, there is a liability there that may result in a claim which we want to avoid with this bill, in setting a definite ceiling.

General Hershey: Do you want to say anything about the lice experimentation?

Mr. Imirie: I might point out, in connection with the National Research Council, that there have been established 7 projects using conscientious objectors as the base of the experiment. One of them, the first one was where a conscientious objector allowed 200 live lice to be put on his body and he slept in, and worked in the same clothes for a period of 3 weeks, checking various insecticides.

Senator Wallgren: You could hardly call them conscientious objectors there, could you?

Mr. Imirie: Not to that.

There have been, and is, in New York, a test being run, checking the vitamin content of various foods and their nutritious value, under conditions simulating 17,000-foot altitude. These men are put in a chamber, and all of the results of the test go to the Army and Navy air forces.

In Chicago there are projects, one simulating altitude conditions at 30,000 feet; subtropical heat conditions, freezing conditions where these conscientious objectors allow themselves to be used as guinea pigs, so to speak, and we have encouraged those programs, when once they have the approval of the National Research Council.

Senator Wallgren: About how many of them are there in that work?

Mr. Imirie: About 75 men are engaged in those projects today.

General Hershey: That is almost 1 percent, not a very large figure, but I have opposed publicizing that sort of thing because the conscientious objector, by my theory, is best handled if no one hears of him. It is a solution, and therefore, if we would set up these many good things, you would get a current of other things, and therefore, it is best to leave it alone.

Senator Wallgren: Are there any further questions?

(No response.)

Senator Wallgren: Thank you all, very much, gentlemen.

Now, the committee will hear from Colonel Partlow on Senate 315.

Statement of Lt. Col. W. D. Partlow, Jr.

Colonel Partlow: Sir, the War Department had not made its report on that bill as yet. Consequently, I cannot present the views of the Bureau of the Budget, or the President, of course. My statement is merely the view of the War Department, as submitted to the Budget; it has not been cleared as yet.

We are opposed to the repeal of section 5 (g) of the act, mainly because of the fact that the type of people who are conscientious objectors would cause a lot of trouble in the army.

Now, we have in the army around 4,500 who are willing to and do perform noncombatant service. A large number of those are assigned to the Medical Corps.

We have assigned some to pigeon companies, and others to noncombatant quartermaster duties, and in the Signal Corps.

Senator Wallgren: These men are conscientious objectors?

Colonel Partlow: Yes, sir.

Senator Wallgren: That is, in addition to those mentioned by General Hershey?

Colonel Partlow: In addition to those he has at his camps.

The provision of the Selective Training and Service Act, under which they are in the army—

The Chairman: I am sorry, gentlemen, that I had to be absent for a while.

Senator Wallgren: Mr. Chairman, this is Colonel Partlow, and he is representing the War Department in reference to this bill, S. 315.

The Chairman: Thank you very much.

Off the record, please.

(Discussion off the record.)

The Chairman: All right, Colonel, will you please continue?

Colonel Partlow: As I stated, we have about 4,500 of these men in the service now that are assigned to noncombatant duty.

The great majority of them are on duty with the Medical Department.

While the War Department does not endorse the conscientious objector's view regarding his obligation to his country, we believe that the present solution is proving satisfactory as to the disposition of these people, and the ones we have that are willing to perform noncombatant service, as a group, are performing satisfactorily, and for those reasons we are opposed to the bill S. 315.

The Chairman: Senator Thomas' bill?

Colonel Partlow: Yes, sir.

The Chairman: He stated that it had been introduced as a result of a resolution from the American Legion in his State; that is why.

Colonel Partlow: I think that General Hershey, in your absence, sir, testified as to the American Legion views, nationally, on that.

The Chairman: Do they favor the Thomas bill?

Colonel Partlow: I gathered from General Hershey's testimony that the American Legion, the national organization, is opposed to it.

The Chairman: Opposed to the Thomas bill?

Colonel Partlow: Yes.

Colonel Keesling: That is right, sir. It was a resolution by a local chapter in Oklahoma upon which he was basing the bill.

Colonel Partlow: General Hershey favors 675.

The Chairman: Are there any questions, gentlemen?

Senator Revercomb: You do have some men, who are listed as conscientious objectors in the army at the present time, performing non-combatant services?

Colonel Partlow: Yes, sir.

Senator Revercomb: Driving trucks, and so forth?

Colonel Partlow: Performing almost any duty with the medical department, sir.

Colonel Keesling: Regardless of the danger.

Colonel Partlow: Absolutely.

Senator Revercomb: There is a segregation on the questionnaire that he fills out when he registers, where, when he agrees that he is a conscientious objector, he agrees to either serve or not to serve as a noncombatant.

Colonel Partlow: Yes, sir; it is a group that agree to serve in a noncombatant capacity that we have in the army today.

The Chairman: Are there any other questions, gentlemen?

(No response.)

The Chairman: All right; thank you very much, gentlemen.

Senator Gurney: Mr. Chairman, may we go off the record?

(Thereupon the committee proceeded to the consideration of other matters.)

The Thomas amendment to strike out provisions for conscientious objectors was tabled by the Senate Military Affairs Committee but the compensation bill was reported out. This came up for general Senate consideration April 2, 1943.

TESTIMONY ON THE FLOOR OF THE SENATE ON THE PROPOSAL (S.675) TO PROVIDE COMPENSATION FOR CONSCIENTIOUS OBJECTORS, APRIL 2, 1943.

Senator Chapman Revercomb (W. Va.): Mr. President, this bill which has been reported from the Military Affairs Committee, deals with the application of the Federal Employees Compensation Act to Conscientious Objectors. I feel that the question should be discussed on the floor of the Senate and I ask that the bill be passed over.

Senator Robert R. Reynolds (N. C.): Mr. President, I hope the Senator from West Virginia will not ask that the bill go over, for the reason that an identical bill was passed by the Senate in the Seventy-Sixth Congress. At the present time there are about 7,000 conscientious objectors in concentration camps throughout the country. Many

of them have been assigned to work which is of a dangerous character. I understand that a number of them have been seriously injured, and perhaps one or two have been killed, as a result of pursuing the various occupations to which they have been assigned. I am of the opinion, as were other members of the Military Affairs Committee, that these persons, although they are conscientious objectors, should be provided for in hospitals and granted some sort of compensation, since many of them are poor, have no funds, and can secure no aid other than through legislation of this nature. I hope the able and delightful Senator will, in this particular instance, be more agreeable than ever he has been before, and permit the bill to be disposed of today, for the benefit of these unfortunate people, who do not see the world controversy eye to eye as we see it.

Senator Revercomb: Mr. President, it is never pleasant to disagree with the able chairman of the Military Affairs Committee, but I point out to the Senate that the whole effect of the pending bill would be to give the benefits of the Federal Workmen's Compensation Act to conscientious objectors.

I have no desire to be cruel in any sense, but if the bill should be enacted into law it would mean that conscientious objectors who were injured would receive compensation, that if they were killed or lost their lives while in the camps which are being maintained for them their dependents would receive compensation, paid out of the Treasury of the United States.

I wish to point out to the Senate that men who are serving today in the armed service of our country, in order to obtain insurance which would be payable to their dependents must apply for such insurance and pay premiums for it, and during their time of service in the army and in the navy there is deducted from the pay which they receive each month $50 to go to their dependents. I am not willing that the men who have been called into the service of their country and who serve at the battle fronts shall receive less consideration than persons who conscientiously object to serving at the battle fronts.

Senator Edwin C. Johnson (Colo.): Mr. President, will the Senator yield?

Senator Revercomb: I yield.

Senator Johnson: In the first place, conscientious objectors receive no salary. They pay all their own expenses, and they pay for being maintained in the camps.

Senator Revercomb: That is correct.

Senator Johnson: The bill is not designed for the protection of conscientious objectors, but the protection of the United States Government. That is the purpose back of the bill.

Senator Revercomb: But the result would be that if a conscientious objector should lose his life through an accident, his beneficiaries would be paid, whereas the dependents of a soldier receive nothing unless he carries insurance and pays for it.

Senator Johnson: The Workmen's Compensation Act is a two-edged sword. It protects industry as well as the workmen. That is why we have workmen's compensation laws, in the Federal Government and in the states. That is the objective back of the bill. The War Department wants the bill to be enacted into law for the protection of the government, not primarily for the protection of the conscientious objectors.

Senator Revercomb: It is my feeling that some method should be worked out for the protection of the Federal Government, even to the extent of the enactment of a statute, if necessary, freeing the government of liability.

The Presiding Officer: Does the Senator from West Virginia object?

Senator Revercomb: I object.

The Presiding Officer: Objection is heard. The bill will be passed over.

So the compensation bill was once again delayed. Selective Service and the religious agencies directly concerned had a much knottier problem on their hands a few months later, however, when the annual appropriation requests of government agencies came up for discussion.

Two of these contained sections directly relating to conscientious objectors. The first, Selective Service's budget request, went through with little comment.

TESTIMONY BEFORE THE SUBCOMMITTEE OF THE HOUSE COMMITTEE ON APPROPRIATIONS CONSIDERING H.R. 2935, AN APPROPRIATIONS BILL WHICH INCLUDED THE BUDGET REQUEST OF SELECTIVE SERVICE, MAY 24, 1943.

Statement of Major General Lewis B. Hershey, Director, Selective Service System, in respect to conscientious objectors.

Mr. Butler B. Hare (S. C.): The next item is project No. 7, "Conscientious objectors".

I note that the appropriation for 1943 is $902,832, and the estimate for 1944 is $1,387,610, or an increase of $484,778.

Would you mind elaborating on that to some extent, General Hershey?

General Hershey: In the first place, your appropriation heretofore, as well as this one was under the assumption that by and large the religious groups would finance the feeding and the clothing of the individual registrants and that there would be no pay involved. Now, each time that we induct anyone into the army, there is a certain percentage developed—a very small one, I am glad to say—of conscientious objectors.

When the original appropriations were made in 1940, we figured that there might be 6,000 conscientious objectors the first year. In that year we only inducted 600,000 men; and after having taken in about eight million and a half, we got just about 7,000 conscientious objectors. So they did not develop as we feared they would.

We have not paid them, and we have charged them $35 a month for coming. Of the $35, $32.50 is used to feed them, and the $2.50 is given back to them for their spending money. We went begging to find places to put them, and the Department of the Interior and the Department of Agriculture were good enough to promise to take over certain projects for them. I mention this because at the present time there is great demand for them, but we have certain commitments that we gave to the Forest Service, for example, when we replaced C. C. C. camps, and we have quite a bit of the western country that has no one available now to fight the fires except these camps, so we have had to leave some of them out there.

Starting about a year ago we entered into the field of the state hospitals for the insane. At the present time we have some 1,100 or 1,200 engaged in that activity, with demands for several thousand more. It has lessened the burden on the religious people, because the state feeds these people; they give them some clothes to wear while they are working as attendants in the hospitals for the insane, and they give them $3 or $4 to buy their towels, their tooth brushes and tooth paste and that sort of thing, and I think it has fulfilled a quite necessary service. In addition, it has lessened what was getting to be a pretty heavy burden on not too many people. They have a bond posted with us of $500,000 which guarantees that any time a man does not have the money to pay his own way, they will pay it.

Mr. Malcolm C. Tarver (Ga.): You refer to the religious people. Whom are you referring to?

General Hershey: Primarily they are the Mennonites, the Brethren in Christ, and the Quakers. Certain other religious groups do participate, but 90 percent of the money is raised by those three so-called pacifistic groups that have been continually against war.

Mr. Tarver: How many camps do you have in the National Park Service and in other organizations?

Colonel Joseph B. Mitchell (Selective Service): Approximately 50. There were 44 as of the 1st of July.

Mr. Tarver: What is the personnel of conscientious objectors in each camp, on the average?

General Hershey: About 125.

Mr. Tarver: Have you had occasion to investigate the type of work which they are doing, and the substantiality of their accomplishments?

General Hershey: Yes, sir; because that has been, of course, one of the highly controversial things, and one reason at least why we are in some controversy. Two years ago, when we could not get anybody to take them, we got into some soil-conservation work. Now, soil conservation, which was quite important 2 years ago, has become less important now; and another thing that has happened is this: We thought 2 months ago that we could abandon all the soil-conservation projects, and we found ourselves placed in the position that 30,000 man-days had been performed in 3 short months last

fall off the soil-conservation camps, on farms adjoining them, and when we started to move them—you are quite familiar with what would happen when you try to move out somebody, first of all, because the people in the community do not like the things he is doing, and he himself does not like it; that is, some of these fellows want to do something else, no matter what you have them doing, and many of them thought that building dams or doing work in national parks or something like that, was not significant, and yet when you try to move them out of those projects, you get up against the fact that while perhaps 50 percent of the year the man is doing something that does not look very significant, yet when the fire breaks out, if you do not have him there, you cannot hire anybody to fight the fire.

I think that the great majority of the conscientious objectors are split off so that they themselves will give no aid and comfort to the other very small group that does not reach 10 percent, and I think when we get enough camps established, they will take care of some of them.

Believe it or not, we have got some of them in training who are going to fight the fires by jumping out of planes. We have got 70 of them that have been working with this National Research Council that have subjected themselves to living in the same clothes, unwashed, and letting lice bite them for a week or so, in order to test out insecticides. Some of them have gone into tanks to test out what it means to fly at an altitude of 10,000 feet, in order to test out different types of equipment. Some of them will do that sort of thing, and yet they will not do some other things. Many of them will take ambulance service and go anywhere if the ambulance service can be under some private concern, but not under the government.

But the second appropriation bill provoked much more of a storm. For it was discovered that hidden in the depths of the unprecedented 72 billion dollar War Department Appropriation bill, was a paragraph aimed specifically at the long-delayed success of conscientious objectors to secure foreign-service and their attempts to train men for such service.

Congressional antipathy to the idea was based originally on a 90-percent-erroneous newspaper story on the subject written by a Washington columnist, and on hints as to the plan's political backing. Their antipathy was quick and decisive.

TESTIMONY

BEFORE THE SUBCOMMITTEE OF THE HOUSE COMMITTEE ON APPROPRIATIONS IN RESPECT TO THE WAR ESTABLISHMENT APPROPRIATION BILL FOR 1944, H.R. 2996, WHICH INCLUDED AN AMENDMENT RELATIVE TO CONSCIENTIOUS OBJECTORS, JUNE 10, 1943.

From the statement of Robert P. Patterson, Under-Secretary of War.

Mr. J. Buell Snyder (Pa.): Mr. Secretary, Mr. Starnes called attention the other day to a news item to the effect that a number of conscientious objectors were about to be sent to China to do relief work, after having completed several months of training at Haverford College in Pennsylvania. What control does the army exercise with regard to this class?

Mr. Patterson: We have no control. They are exempt by acts of Congress from military service. They are taken in charge by the Selective Service System. We just have no control whatsoever over conscientious objectors.

Mr. Joe Starnes (Ala.): Do you know how their training is financed, Mr. Secretary?

Mr. Patterson: I do not know.

Mr. Starnes: To get into foreign areas, will it be necessary to use army funds in any way, directly or indirectly, including reimbursement such as supervision, transportation, subsistence, housing, and so forth?

Mr. Patterson: Insofar as I know they are not a charge on the army. These conscientious objectors are not under army control and they are not financed out of army appropriations.

Mr. D. Lane Powers (N. J.): Why have they not been drafted?

General White (War Department): The law exempts them.

Mr. Starnes: Do you know how they are going to be transported to Chungking, China, where they are going?

Mr. Patterson: No, sir; I do not know.

General White: A society is defraying the cost, and we did agree to transport them. These civilians are financed by the Quakers.

Mr. Starnes: The purpose of my questioning, Mr. Secretary, was to find out some way whereby we could put a stop to this sort of thing by a limitation on this bill.

We are at a loss in dealing with this situation if there is no charge back to your funds.

Mr. Patterson: I do not think there is.

Mr. Starnes: My question is prompted by a couple of articles in the newspapers.

Mr. Patterson: I think the best source of information for you would be General Hershey. My impression is that the religious group to which these men belong arranged with General Hershey to defray the expenses of keeping these men in some kind of headquarters or camps. There was one in western Maryland.

Mr. Starnes: Is General Hershey's salary paid by the Selective Service or by the army?

Mr. Patterson: He is an army officer. He is paid by the army.

Mr. Starnes: I would like to call your attention to this, Mr. Secretary, even though there is considerable doubt whether the army has any responsibility in the situation.

Your assistant has said that you have furnished the transportation for them. I see that transportation has been furnished to quite a number of people who have gone into the various theaters of operations and other places. The country would not approve such a policy in my judgment—these people should be kept at home at constructive work.

(At this point Mr. Starnes read into the record two newspaper articles, one from the Washington Daily News of June 4, 1943; the other from the Washington Times Herald of May 8, 1943. Both articles will be found in the appendix.)

Mr. Starnes: I fully admit the culpability of Congress in passing such legislation. I regret that such legislation was ever enacted in the first place, and in the second place, after it was enacted, I regret that these people should be set up as a separate class and given a college education in a special civilian organization and then transported abroad in army transportation. In the matter of transportation the War Department is guilty. The space used by these men should be used in transporting food, supplies and fighting men to China and our other allies.

(Discussion off the record.)

On June 18, 1943, the House Appropriations Committee reported out the bill with this to say about conscientious objectors.

The committee has seen fit to add a number of additional provisions, all in the form of limitations. These and other provisions not heretofore enacted are recommended, as follows:

On page 9, in connection with the subappropriation "Pay of the Army":

Provided further, That no appropriation contained in this Act shall be available for obligation or expenditure or for any expense whatsoever, directly or indirectly, for or on account of any person in a civilian status listed as a conscientious objector, pursuant to the provisions of the Selective Training and Service Act of 1940, as amended (except as may be incident to induction into the Army of the United States), including compensation of military and civilian personnel, transportation on any kind of conveyance belonging to or operated by or at the expense of the War Department, and instruction, education, or training of any kind.

The paragraph speaks for itself. It is the sense of the committee that no military funds should be employed on account of persons not identified with the Military Establishment by reason of classification as conscientious objectors. There is no evidence that any military funds have been so employed. The limitation is to make certain that they will not be. It would be incongruous, the committee feels, to use such funds upon persons possessing convictions or beliefs that relieve them from the foremost obligation of every citizen of his country.

This the House passed without discussion. In the Senate Committee on Military Affairs, to which the bill was then referred, the subject was given further attention.

TESTIMONY BEFORE THE SENATE COMMITTEE ON APPROPRIATIONS, JUNE 24, 1943.

Statements of Lt. Col. Francis V. Keesling, Jr., Legislative Officer, Selective Service System; Col. Lewis F. Kosch, Chief of the Camp Operations Division, National Headquarters Selective Service System, and A. S. Imirie, of the Camp Operations Division.

Colonel Keesling: Mr. Chairman, and members of the committee, I believe this proviso would seriously interfere with our present operations of conscientious objector camps and projects for class IV-E conscientious objectors, found to be opposed by reason of their religious training and belief to both combatant and noncombatant service. Such men are assigned to civilian work of national importance as civilians, as distinguished from those found to be opposed to combatant service only who are designated class I-A-O conscientious objectors and who are inducted into the armed forces for non-combatant service.

Officers of the army assigned to the Selective Service System participate on the national and state levels in connection with this conscientious objector program.

It is believed that a literal interpretation of this proviso would require these officers to discontinue their participation or to work without compensation.

Also, officers in the War Department, with whom we deal in connection with camp sites and equipment might possibly be affected by this proviso.

I have read the House hearings on pages 584 to 587, inclusive, which in my opinion indicate that it was not intended to interfere with our conscientious objector camps and operations in connection therewith, but that it was intended only to prohibit the assignment of class IV-E conscientious objectors to colleges and to foreign service under Governor Lehman's supervision.

I talked with Mr. Starnes this morning by telephone, and he informed me that my impression in this respect is to what the House committee intended was correct. He authorized me to quote him to that effect.

I believe that our conscientious objector camp and project program is the best solution to the very difficult conscientious objector problem, and, therefore, on behalf of the Selective Service System, I recommend that no legislation be enacted that will interfere with that program.

Colonel Kosch, who is here, and his division have been doing, I believe, a very fine job with these class IV-E conscientious objectors, and I am convinced it would be detrimental to our operations, and consequently to the war effort, to require his withdrawal and the withdrawal of the officers associated with him in this work.

We shall be pleased to answer any questions on this, and also to explain in detail any of our operations with respect to these camps and projects.

Senator Elmer Thomas (Okla.): How many camps have you?

Colonel Keesling: There are 38 camps engaged on 38 projects. There are also 42 units of conscientious objectors in mental hospitals in 20 states. In addition to those two groups there are 256 men engaged as dairy farmers in 24 counties in 11 states, and smaller groups who are engaged on other operations and projects.

Senator Thomas: How many conscientious objectors do you have now under your supervision?

Colonel Keesling: We have now about approximately 6,211 class IV-E conscientious objectors; that is, in civilian status. Those are the class IV-E conscientious objectors as contrasted with class I-A-O conscientious objectors who are in the armed forces.

Senator Thomas: How is the work you are doing financed?

Colonel Keesling: Most of the cost of it is assumed by the three large church groups, the Brethren, Mennonites, and the Friends. They provide the cost of administrative salaries, food, clothing, medical care, and hospitalization for the men assigned to the camps.

Senator Thomas: Under the law these men are exempt from the draft?

Colonel Keesling: Yes, sir.

Colonel Kosch: No; they are not exempt, but under the Selective Training and Service Act they accept this type of service in lieu of induction.

Senator Thomas: Then they are drafted and in the process of drafting they wiggle out.

Colonel Keesling: Not exactly. They are not inducted in the armed forces. The provision is that in lieu of induction they shall be assigned to work of national importance.

Senator Thomas: Does the bill before us carry funds for meeting the expense of this activity?

Colonel Keesling: No, sir.

Senator Thomas: It is still a privately financed activity?

Colonel Keesling: No. Some of the expense is paid by Selective Service under the Selective Service appropriation, but these men are not paid salaries from Federal funds, and much of their upkeep, such as in the way of food, clothing, medical care, and so forth, are taken care of by the church groups.

Senator Carl Hayden (Ariz.): The language of the House bill, as I understand it, prohibits any army officer from supervising that.

Colonel Keesling: Yes, sir.

Senator Hayden: That is as I read it, and for the life of me I do not see why we would prohibit the supervision of the activity of men who are within the law.

The law sets up and authorizes them to engage in work of national importance at their own expense, or at somebody else's expense, not at the expense of the United States. In order to see that they do that it seems to me entirely proper that some army officer should be detailed.

How many officers do you have on the job?

Colonel Kosch: We have six in national headquarters who are directly concerned either with the classification of these individuals or supervising their work in the field.

Colonel Keesling: But, in addition to that, our state directors and their personnel who have to do certain paper work in connection with this, and a great many other officers at national headquarters, are connected with this program to some extent. Taking a literal interpretation of this, those officers probably would have to withdraw from any participation.

Colonel Kosch: Of course, under the act the entire supervision of this program is under the Director of Selective Service, General Hershey, so he comes under this proviso, too.

Senator Thomas: Who paid the expense of construction of the camps that are in existence?

Colonel Kosch: They were taken over from C. C. C. The camps were practically all old C. C. C. camps, and we took over the C. C. C. program that had not been completed and are working in those camps for the different technical agencies like Soil Conservation, the Forest Service, and Park Service, and such agencies.

Senator Thomas: Does the government assume any expense of guards?

Colonel Kosch: We pay for the supervision of the work program, the superintendent of the camp who supervises the work program, and such technical help as he needs on that program.

We also furnish the material, tools, and so forth, necessary to perform the work. That is paid for by funds from Selective Service.

Senator Thomas: What percentage of these men that are sent to these camps recant or relent and decide they would rather be in the army?

Colonel Kosch: On April 30 the total number of men classified IV-E who changed their minds and went into the army was 1,040. That is, sometime after they had been classified, either before they got to camp or after coming in camp, there were 1,040 who had changed their minds and gone into the army.

Colonel Keesling: We had quite a few when the War Department said the Medical Corps would be considered as noncombatant service and that that would be the only service that would be considered as noncombatant. Before that time many of these conscientious objectors stayed in a civilian status as IV-E conscientious objectors because they did not know whether or not their consciences would permit them to do what the army would declare to be noncombatant, but when they made that definite, many shifted over.

Senator Hayden: We have about twice as many men, or soon will have, as we had in the other war. How does the number of conscientious objectors compare with the other war?

Colonel Kosch: It is considerably lower, although I have been trying to find exact records of the last war and we have never been able to get definite figures, but it would seem today it is approximately just about 50 percent.

However, there was no provision made for the I-A-O the last time, so that may have made a considerable difference.

Senator Hayden: I happened to interest myself in it as a Member of the House of Representatives at the time of the other war, and found that a very serious situation developed and quite brutal treatment of men who were really sincere in their convictions.

Colonel Keesling: That has been avoided. If, however, our present program were abolished, the armed forces and the civil authorities would have grave problems, and in addition, the objectors would probably get themselves into many difficulties.

Senator Hayden: I want to compliment the management this time that nothing of that kind has occurred, but both in England and in the United States, we found those people who said, "The Bible says 'Thou shalt not kill,' and I won't kill anybody."

Colonel Keesling: This time we have quite a test on it. These men are first interviewed by their local boards and classified. If there is any doubt about it an appeal can be taken and the F. B. I. and the Department of Justice then come into the picture. The Federal Bureau of Investigation conducts an investigation. Then there is a hearing before an officer of the Department of Justice, followed by a recommendation which goes to the Appeal Board for its consideration in connection with its appellate decision. So we have all those processes to weed out these men, and presumably that is being done quite well.

Senator Hayden: In the other war the Quakers took the view that they would not kill anybody, but they said, "We are not cowards; we will work in the Hospital Corps and we will go out in No Man's Land and bring them in," and they did, but it was not worked out as completely then as I think you have done it now, and I would regret very much to see any language in this bill that worked to interrupt the very successful program you have installed.

Is it your suggestion that we delete the language entirely, or have you any recommendation as to the substitution of language?

Colonel Keesling: It would be my suggestion to delete it entirely, but in fairness I believe I should call your attention to what the House apparently intended to accomplish by this proviso. It is my understanding that their intention was to prohibit this program of sending people abroad under the supervision and direction of Governor Lehman, and also before that time sending these men to colleges for training.

As I get it, they felt that was too soft a spot for these people to be in. As a matter of fact it is not what we consider would be a very soft job.

These men would take training for a year at the most. They would not receive any pay. There would be no cost to the government.

If within the period of the year they were not sent abroad, they would be assigned back to other work of national importance. If they do go abroad they would be under the supervision of the churches, doing relief work while they were there, but still receiving no pay. They are subject to a call to work on certain jobs from time to time by Governor Lehman but they receive no pay for that, so there is no soft berth on this type of work. It is just a different locale for their work of national importance.

Senator Hayden: Off the record.

(Discussion off the record.)

Senator Thomas: What is the record of the thousand or more of men who formerly were known as conscientious objectors but later on changed their viewpoints, at least their actions, and entered the military forces? What happened to those men?

Colonel Keesling: They were inducted provided they passed the physical tests, and most of them would, otherwise they should not have been in conscientious objectors' camps.

Colonel Kosch: There are only about two cases we have heard about where there has been any difficulty. If there has been more, it has not come to our knowledge. They have made up their minds of their own volition. We do not go out and try to change them. We try to treat them very well and by not stirring up their antagonism allow them to decide for themselves what they should do.

Colonel Keesling: Some of these went over to the army because of the new clear-cut definition of noncombatant. Some of them went over because they had not been properly weeded out at the start, and when they were assigned to some of the tough work, decided they would rather be in the army.

Senator Thomas: Have you a further statement?

Colonel Keesling: I have a short statement which can be put into the record without taking the time of the committee. There are a number of conscientious objector pro-

jects that bear out what Senator Hayden has said: namely, that these people, if they are sincere, are actually not afraid of danger. It is merely that they do not want to kill anybody.

(The statement, a Selective Service interoffice memorandum outlining the C.P.S. picture, was included in the record.)

Colonel Keesling: We have some volunteers among these fellows who have subjected themselves to all sorts of hardships and treatments.

I have a list here, for example, of certain so-called guinea pig experiments.

Here are two men who submitted themselves to malaria research.

Seven men submitted themselves for a program with respect to toxicity of sea-water experiment.

Colonel Kosch: That is this sea-water research up here where they are attempting to see how much sea water a man can drink or what kind of food to put in the life rafts when a man is entirely dependent upon sea water to drink.

Colonel Keesling: Here are 4 men who took an altitude experiment; 20 on a cold and heat research experiment; 1 on cancer growth and metabolism study.

This louse control one was a rather bad one. These fellows allowed themselves to be bitten, and—

Colonel Kosch: They took them out, isolated them, and put 200 lice on each. They kept on their clothes for 3 weeks and experimented with different types of insecticide sprays.

We have 75 to 100 men being sprayed with influenza germs in the room. We are attempting to kill those germs by the use of different sprays. Of course, if it works, the men will not get anything. If it does not they will get influenza.

In a good many of these experiments the results are going directly to the army and navy at the present time.

Colonel Keesling: We have one unit engaged in parachute fire fighting.

Colonel Kosch: We have 60 men who are parachute fire fighters, the ones they drop out in these forest-fire areas that they cannot get into with trucks. After putting out fires they have to find their way out of the forest on foot.

(A list of the C.P.S. "guinea pig" experiments was included in the record.)

Colonel Keesling: The bulk of these men are in the 38 camps, about 4,831 being engaged in 15 projects under the technical direction of the Forest Service, 12 projects under the Soil Conservation Service, two under Farm Security Administration, five under National Park Service, two under Bureau of Reclamation, one under Fish and Wildlife Service, and one under General Land Office.

Colonel Kosch: These men are on a subsistence basis. Wherever they are working in a tax-supported or charity institution, or a private institution, or for an individual on a competitive basis, the money they earn is paid by the institution or individual and actually reverts to the Treasury.

Colonel Keesling: I think you ought to explain that more in detail. I do not have the exact figures with me, but there is a fund being built up in the Treasury earmarked for use after the war so that they cannot say it is being used for the war effort. This money is the proceeds of work these men are doing.

After this testimony, the Senate Military Affairs eliminated the amendment regarding conscientious objectors, and the Senate passed the bill in that form. However, the Conference Committee appointed from both the Senate and House to reconcile the difference between the two measures restored the original amendment, changed to read as follows:

Provided further, That no appropriation contained in this Act shall be used for any expense pertaining to (1) the instruction, education or training of Class IV-E Conscientious Objectors in colleges, (2) the service of such conscientious objectors outside the United States, its territories and possessions, (3) the transportation of such conscientious objectors to or from any college or any such service, or (4) the compensation of military or civilian personnel performing any services with respect to the matters set forth in (1), (2), or (3) above after the enactment of this Act, except any services which may be necessary promptly to terminate any such Class IV-E Conscientious Objector college or foreign service projects existing on the date of the enactment of this Act.

Which completes the record, as far as we know, up to the summer of 1943.

APPENDIX

From the statement of C. S. Longacre, general secretary, Religious Liberty Association of America, before the House Committee on Military Affairs, 1940.

Mr. Longacre: My name is C. S. Longacre; I am the general secretary of the Religious Liberty Association of America, and editor of the Liberty magazine, published at Takoma Park; and I represent the Seventh Day Adventists religion.

Seventh Day Adventists as you know are noncombatants. We are not pacifists nor militarists nor conscientious objectors, but noncombatants.

A pacifist is one who does not believe in participation in war, and he believes in peace at any price. He is an internationalist instead of a nationalist. As to the anti-militarist, he does not believe in any military establishments whatever. He is opposed to wearing any uniform, saluting a flag, or making any appropriation for war of any kind.

The conscientious objector does not believe in participation in war. He does not believe in bearing arms. He does not even believe in helping to administer to the needy who are in the army, the sick and the wounded, and does not want to have anything to do with war.

But as to the noncombatant, he merely believes that he should not take human life. But he is willing to cooperate with his government in any capacity that he can, without having to violate his conscience in regard to taking a life. We are noncombatants.

As a church we do not believe that it is our prerogative to come down here before your committee, up before the Congress, and dictate to them what they should do in civil affairs in the functions that belong to the civil government. We believe that the church and the state should remain separate and independent in their functions and that it is not the prerogative of the state to dictate to the church what it should do along spiritual lines, nor is it the duty of the church to dictate to the state what it should do along civil lines as to its duties.

We believe that the government should be prepared. We are in harmony with this bill for defensive purposes. We believe it is not our duty to tell the government just how far they should go in this matter. We believe the Congressmen are sufficiently informed and intelligent enough to determine matters of this kind and we are perfectly willing to cooperate with you to the fullest extent possible.

We are not cowards. In the last World War we were recognized as noncombatants and in the Civil War we were recognized as noncombatants. And our young men went to the front in the ambulance service; many of them lost their lives. That was the most fateful in all of the World War. Many of our young men lost their lives. They are perfectly willing to do those kinds of services. They are not cowards. They are perfectly willing to lay down their lives in defense of their country.

I have a couple of amendments which I would like to submit to this bill in order to make it work more readily in regard to noncombatants and conscientious objectors.

I think the government and the Congress have been wise in making provisions for the training of noncombatants in noncombatant lines of service. I think it was wise in not compelling them to bear arms, because if you put me in charge of a fighting regiment, and I did not want to be put into that regiment along with 50 per cent noncombatants or conscientious objectors, it would be fatal for us to have to meet a regiment composed of 100 per cent fighting men. These noncombatants are just like a horse. You can compel him to go to water, but you cannot compel him to drink. So you can compel a man to go to the front line trenches, but when the order is given to fire, he will fire in the ground or in the air because he does not want to kill anybody.

They will go as far as they can. We can take them in the service where they can be of use to this government and where they can serve their country along the lines in which they can work, so I am glad this provision is made.

I am going to suggest to you an amendment as the bill now stands, as listening to the radio. I find that the Senate committee, according to the radio announcer, stated they had adopted the suggestion we made over there, not only recognizing religious organizations whose members do not believe in bearing arms, but they recognize the individual conscience whether he belongs to a denomination that has any decreed principle of noncombatancy or not, because many denominations who do not teach in their creed, as this bill suggests they must, in order to give them the benefit of this provision, that their young men should not bear arms. There are thousands of them in the Catholic faith, in the Methodist, Presbyterian, and Baptist Church, many other denominations who hold similar views, the Quakers, Mennonites, and Adventists, and many other denominations, they should be protected equally.

In the last war there was no provision made for those in the law itself, but it was done by Executive Order. And it made a lot of trouble for the officers as well as for the men thesmelves until the Executive Order was issued. So I am glad that provision is being made in the Senate committee for that class of workers.

We do not want to have special privileges granted to us as denominations that are not granted to other denominations whose creed is not similar to ours.

Our constitution does not recognize church creeds. It recognizes the rights of individual consciences. If there is anything that our forefathers meant to protect in the constitution it was the rights of the individual, and it was for the benefit and protection of the individual in his conscience concerning natural and inherent right. It was the first time in the history of the world the government did that. Theretofore, the government existed for the state, but here the government exists for the benefit of the individual. We admire those principles, we believe the constitutional provisions should be recognized in this bill, so I have managed to suggest to this committee similar to what we suggested to the committee over yonder, and I would like to present it, which is a very short one, and which is as follows:

"Nothing in this act contained shall be construed to require or compel any person who is drafted and is a member of any religious sect or organization whose creed or principles forbid its members to participate in war in any form or to bear arms in combative service; or any person, though a member of an organization whose creed or principles do not forbid the bearing of arms but who individually has religious scruples against the bearing of arms, to take any other than noncombatant military training courses offered by the government."

APPENDIX

From the statement of Amos S. Horst, Akron, Pa., before the House Committee on Military Affairs, 1940.

Mr. Horst: As a statement of the position of the Mennonite Church, a resolution was adopted at the general conference of the Mennonite Conference in Oregon more than a year ago. I will just refer to a few of the statements; I think they will generally adapt themselves to section 7 (d) of the act that is now under consideration.

Regarding the history of the Mennonite Church, I would like to read this introduction:

In view of the present troubled state of world affairs, with wars and rumors of wars threatening the peace of the world, we, the representatives of the Mennonite Church, assembled in general conference near Turner, Ore., on August 25 and 26, 1937, and representing 16 conferences in the United States and Canada, one in India, and one in Argentina, S. A., do so desire to set forth in the following statement our faith and convictions in the matter of peace and nonresistance as opposed to participation in war and military service, earnestly admonishing our membership to order their lives as becometh Christians in accord with these principles.

In doing so we do not establish a new doctrine among us, but rather give fresh expression to the age-old faith of the church which has been held precious by our forefathers from the time that the church was found in Reformation times in Switzerland (1525) and in Holland (1533), at times even at the cost of despoiling of goods and exile from native land, and in some cases torture and death. On a number of former occasions since our settlement in America we have set forth our nonresistant, peaceful faith in memorials to officers of state, such as the petition of 1775 to the colonial assembly of Pennsylvania, and in addresses to the President of the United States and to the Governor General of Canada during and after the World War in 1915, 1917, and 1919, and at other times, thus testifying to our rulers and to our fellow citizens of our convictions. Since our position has been fully and authoritatively expressed in our confession of faith, known as "The Eighteen Articles," adopted in Dortrecht, Holland, in 1632, and confirmed at the first Mennonite conference held in America in Germantown in 1725, reaffirmed in the declaration of the 1917 general conference at Goshen, Ind., and in the statement of faith adopted by the general conference at Garden City, Mo., in 1921, we do not consider it necessary at this time to set forth our position in detail, but rather merely to affirm in clear and unmistakable terms the main tenets of our peaceful and nonresistant faith as they apply to present conditions.

Our Position on Peace and War

1. Our peace principles are rooted in Christ and His Word, and in His strength alone do we hope to live a life of peace and love toward all men.

2. As followers of Christ, the Prince of Peace, we believe His gospel to be a gospel of peace, requiring us as His disciples to be at peace with all men, to live a life of love and goodwill, even toward our enemies, and to renounce the use of force and violence in all forms as contrary to the spirit of our Master. These principles we derive from such Scripture teachings as "Love your enemies." "Do good to them that hate you," "Resist not evil," "My kingdom is not of this world; if my kingdom were of this world, then would my servants fight," "Put up thy sword into its place for all they that take to the sword shall perish with the sword," "Dearly beloved, avenge not yourselves," "If thine enemy hunger, feed him; if he thirst, give him drink; for in so doing thou shall heap coals of fire on his head," "Be not overcome of evil, but overcome evil with good," "The servant of the Lord must not strive but be gentle to all men," "The weapons of our warfare are not carnal," "Christ also suffered for us, leaving us an example, that ye should follow His steps, who did no sin, neither was guile found in His mouth, who . . . when He was reviled, reviled not again; when He suffered, He threatened not," "Not rendering evil for evil, or railing for railing, but contrariwise blessing," "If any man say I love God and hateth his brother, he is a liar . . . and this commandment have we from Him, that he who loveth God loveth his brother also"; and other similar passages as well as from the whole tenor of the gospel.

3. Peace within the heart as well as toward others is a fruit of the gospel. Therefore, he who professes peace must at all times and in all relations with his fellowmen live a life that is in harmony with the gospel.

4. We believe that war is altogether contrary to the teaching and spirit of Christ and the gospel, that therefore war is sin, as in all manner of carnal strife; that is wrong in spirit and method as well as in purpose, and destructive in its results. Therefore, if we profess the principles of peace, and nevertheless engage in warfare and strife we are as Christians become guilty of sin and fall under the condemnation of Christ the righteous judge.

Our Position on Military Service

In the light of the above principles of Scripture we are constrained as followers to Christ to abstain from all forms of military service and all means of support of war, and must consider members who violate these principles as transgressors and out of fellowship with the church. Specifically our position entails the following commitments:

1. We can have no part in carnal warfare or conflict between nations, nor in strife between classes, groups or individuals. We believe that this means that we cannot bear arms personally, nor aid in any way those who do so, and that as a consequence we cannot accept service under the military arm of the government, whether direct or indirect, combatant or noncombatant, which ultimately involves participation in any operation aiding or abetting war, and thus causes us to be responsible for the destruction of the life, health, and property of our fellow men.

2. On the same grounds consistency requires that we do not serve during wartime under civilian organizations temporarily allied with the military in the prosecution of the war, such as the Y.M.C.A., the Red Cross, and similar organizations which, under military orders, become a part of the war system in effect, if not in method and spirit, however beneficial their peacetime activities may be.

3. We can have no part in the financing of war operations through the purchase of war bonds in any form and through voluntary contributions to any of the organizations or activities falling under the category described immediately above, unless such contributions are used for civilian relief or similar purposes.

4. We cannot knowingly participate in the manufacture of munitions and weapons of war either in peacetime or in wartime.

5. We can have no part in military training in schools and colleges, or in any other form of peacetime preparation for services as part of the war system.

6. We ought carefully to abstain from any agitation, propaganda, or activity that tends to promote illwill or hatred among nations which leads to war, but rather endeavor to foster goodwill and respect for all nations, people and races, being careful to observe a spirit of sincere neutrality when cases of war and conflict arise.

7. We ought not to seek to make a profit out of war and wartime inflation, which would mean profiting from the shedding of the blood of our fellowmen. If, however, during wartime, excess profits do come into our hands, such profits should be conscientiously devoted to charitable purposes, such as the bringing of relief to the needy, or the spreading of the gospel of peace and love, and should not be applied to our own material benefit.

Our Willingness to Relieve Distress

According to the teaching and spirit of Christ and the gospel we are to do good to all men. Hence we are willing at all times to aid in the relief of those who are in need, distress or suffering, regardless of the danger in which we may be placed in bringing such relief, or of the cost which may be involved in the same. We are ready to render such service in time of war as well as in time of peace.

Our Attitude During Wartime

If our country becomes involved in war, we shall endeavor to continue to live a quiet and peaceable life in all godliness and honesty; avoid joining in the wartime hysteria of hatred, revenge and retaliation, manifest a meek and submissive spirit, being obedient unto the laws and regulations of the government in all things, except in such cases where obedience to the government would cause us to violate the teachings of the Scriptures so that we could maintain a clear conscience before God (Acts 5:29). We confess that our supreme allegiance is to God, and that we cannot violate this allegiance by any lesser loyalty, but rather must follow Christ in all things no matter what the cost. We love and honor our country and desire to work constructively for its highest welfare as loyal and obedient citizens; at the same time we are constrained by the love of Christ to love the people of all lands and races and to do them good as opportunity affords rather than evil, and we believe that this duty is not abrogated by war. We realize that to take this position may mean misunderstanding and even contempt from our fellowmen, as well as possible suffering, but we hope by the grace of God that we may be able to assume, as our forefathers did, the sacrifices and suffering which attend the sincere practice of this way of life, without malice or ill will toward those who may differ with us.

If once again conscription should be established, we venture to express the hope that if service be required of us it may not be under the military arm of the government, and may be such that we can perform it without violating our conscience, and that we may thus be permitted to continue to enjoy that full libery of religious faith and conscience which has been our privilege hitherto.

Resolution of Appreciation

We desire to express our appreciation for the endeavors of our governments, both in the United States and Canada, to promote peace and good will among nations, and to keep from war. In particular, do we desire to endorse the policy of neutrality and nonparticipation in disputes between other nations. We invoke the blessings of God upon the President of the United States and the Prime Minister of Canada, as well as upon the heads of state in the various lands in which our missionaries are serving, in their difficult and arduous duties as chief executives, and pray that their endeavors toward peace may be crowned with success.

We cherish our native lands, the United States of America, and the Dominion of Canada, as homelands to which our forefathers fled for refuge in times of persecution in Europe, and we are deeply grateful for the full freedom of conscience and liberty of worship which has been our happy privilege ever since the days of William Penn, and which is vouchsafed to us as well as to all our fellow citizens by the national constitutions and constitutions of the several states and provinces. We pray that the blessings and guidance of a beneficent God may continue to rest upon our nations, their institutions, and their peoples.

Adopting Resolution

We hereby adopt the above statement as representing our position on peace, war and military service, and we instruct the peace problems committee to bring this statement to the attention of the proper governmental authorities of the United States and Canada, and other lands in which our missionaries are laboring. We would likewise suggest to each of our district conferences that they endorse this statement of position and bring it to the attention of every congregation and all of the members individually, in order that our people may be fully informed of our position, and may be strengthened in conviction, that we may all continue in the simple peaceful, non-resistant faith of the Scriptures as handed down to us by our forefathers of former times.

As a matter of practical application, we request our peace problems committee, as representing the church in these problems, to carefully and prayerfully consider the problems which may arise in case our members become involved in conscription, giving particular attention to the proposed legislation on this matter which is now before Congress or its committees.

The point we are particularly interested in, Mr. Chairman, is dealing with the conscientious objection in times of conscription or national mobilization. In 1917 you will remember that the objector was inducted into the army, and some difficulty was experienced by the officer locally then and the objector himself until the status was determined of the individual.

We would like to present to your group a proposal for an amendment of 7 (d) which I will pass on to your committee for your consideration, which may take care of that problem and avoid the unpleasant experience of your officers and no doubt the status of the conscientious objector will be determined by a board acting either under the Executive of our nation or some other arrangement. We trust that in your consideration of these proposals that you will give consideration as may be suitable and as you may, in your judgment, deem best. I want to humbly submit it for your consideration. Thank you.

Proposed Amendment of the Burke-Wadsworth Bill — S. 4164

Delete section 7 (d) and substitute the following:

(d) Nothing contained in this act shall be con-

strued to require any person to be subject to training or service in the land or naval forces of the United States who is conscientiously opposed to participation in war in any form, nor to require any person to be subject to training or service in such forces in any capacity to which he is conscientiously opposed. All persons claiming such conscientious objections shall be listed provisionally at the time of their registration on the register of conscientious objectors. There shall be established in the Department of Justice a Bureau of Conscientious Objectors under the direction of a commissioner, who shall be a civilian and shall be directly responsible to the Attorney General and who shall administer this subsection 7 (d) of the act under such regulations as the President may prescribe.

Respectfully submitted for consideration and adoption by the Peace Problems Committee of the Mennonite Churches of the United States.

Orie Miller, secretary.

From the statement of Paul Comly French, Philadelphia, Pa., before the House Committee on Military Affairs, 1940.

Mr. French: I will be very brief in what I want to say. I know the committee has been sitting a long time. I will take very little time.

The Society of Friends is a religious organization that dates back about 250 years, and one of the cardinal principles is the opposition to war. We are interested in the conscientious objector.

During the past week we have talked with members of the Senate Military Affairs Committee and with members of the War Department who are testifying before your committee and before the Senate Committee in the hope that we might jointly work out some common ground for the treatment of conscientious objectors that would protect their viewpoint and protect the position of the government.

Yesterday at the War College, we worked out a proposal, a proposed substitute for 7 (d) with Colonel O'Keliher of the army, which was presented to the Senate committee today, which in the main I think, covers the position and would protect the army and protect the conscientious objector.

During the last war, or after the last war, Major Clegg of the Adjutant General's Department, who served on the board on inquiry for the conscientious objector, wrote a book and said he found from the War Department experience that the act at that time was not completely satisfactory in its operation, either to the army or to the conscientious objector. It was a problem that the army had to face and that he felt that after the war was over it would be wise if someone gave the matter some thought, that before another emergency arose some definite plan could be prepared.

We have agreed with him and have prepared this outline, or rather the War Department has after we have discussed it with them and tried to reach a common ground. It provides in general for a registry of persons who claim conscientious objection to war at the time they are registered under the draft on a provisional register. The Senate committee, I understand this morning, has approved this form in their executive session. It may have been reported out, I am not sure yet.

It provides that the Department of Justice would see the record of every person who registered as a conscientious objector and would then hold a hearing and inquiry and then report their findings back to the local draft board, whether the person was a conscientious objector and should justly be treated as such. It would provide for two forms, or three forms, under this proposal, one that the man was conceded to be a conscientious objector to war as a result of hearing and inquiry, and was willing to perform noncombatant service in the army, he would be so assigned.

If he felt conscientiously unwilling to perform noncombative service, the wording was that he might then be assigned to service of national importance under civilian control; and the third provision in this draft was that if they found his objections were not deep conscientious convictions, then his name would be removed from the provisional register of conscientious objectors and he would be assigned to military service.

We would like to see another provision in it which the War Department did not agree to. We would like to see complete exemption for a very small group of absolutists who conscientiously feel unable to perform any service in the war. In the World War this amounted, in the entire draft, to 509 men. But they are persons of deep convictions; they feel that they cannot do anything which contributes in any way to the military establishment.

You may not agree with them entirely, but they are deeply convinced that their position is completely right, and in keeping with their religious faith.

I would like to leave this draft with your committee in the hope that you will give it serious consideration because it is a problem that is going to face the War Department, and this makes the administrative machinery more effective than it was in the last war, and it is more agreeable to the War Department.

Thank you very much.

The proposed amendment introduced into the record as part of the remarks of Raymond Wilson, Philadelphia, Pa.

Strike out section 7 (d) and substitute the following:

Nothing contained in this act shall be construed to require any person to be subject to combat training or service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form, and is so found to be a bona fide objector as hereinafter provided. All persons claiming such conscientious objections shall be listed on a register of conscientious objectors at the time of their reclassification by a local board, and persons so registered shall be at once referred to the Department of Justice for inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing shall be held by the Department of Justice regarding the character and good faith of the objection. The Department shall, after hearing, if the objection be sustained, recommend that the objector shall (1) be assigned to noncom-

batant service in such capacity as the President shall designate as noncombatant, or (2) if found to be a conscientious objector opposed to participation in war in any form that he shall be assigned to work of national importance under civilian direction, or (3) if said objection is not sustained, the local board shall be immediately notified thereof, and the name of such objector shall be removed from the register of conscientious objectors, and such objector thereafter be subject to classification.

Should such conscientious objector or the local board disagree with the findings of the Department of Justice, said local board shall immediately refer said case to the appeal board having jurisdiction for final determination.

From the statement of Rev. Harry Emerson Fosdick, D.D., minister, Riverside Church, New York, N. Y., before the House Committee on Military Affairs, 1940.

Dr. Fosdick: I represent no organization in coming here. I appreciate very much the opportunity of making this statement, and I assure you in advance that it will not take more than 10 or 15 minutes.

Many loyal citizens in all the religious bodies of the United States are deeply concerned about the treatment of conscientious objectors in the proposed compulsory military training bill.

I ask your favorable consideration of the amendment to that bill offered by the American Friends Service Committee. That amendment which is already in your hands would establish local civilian boards of inquiry, under the Department of Justice, whose duty it would be to examine all drafted persons claiming to be conscientious objectors to pass on their bona fide genuineness, to grant to sincere conscientious objectors on religious grounds either the right to noncombatant service, or to civilian service, or if the case seemed to justify it, to complete exemption. The amendment also provides for the review of contested or dubious decisions by a National Civilian Board of Appeal. Some of the major principles of this proposed amendment have already been incorporated in the compulsory training bill as amended by the Senate Military Affairs Committee.

Some of the considerations in favor of this method of handling this critically important problem are as follows:

First, it does justice to the realistic situation in the various religious bodies. Hitherto, in the United States, exemption has been granted to "a member of any well-recognized religious sect whose creed or principles forbid its members to participate in war." This, however, does not cover the case. In all the religious bodies today are men just as conscientiously unable to kill their fellowmen in war as the Quakers or the Mennonites, and one religious body after another has gone on record as determined to protect these rights of individual conscience among their own members. The general conference of the Methodist Episcopal Church has resolved:

We therefore petition the government of the United States to grant to members of the Methodist Episcopal Church, who may be conscientious objectors to war, the same exemption from military service as has long been granted members of the Society of Friends and similar religious organizations.

The Northern Baptist Convention, speaking of its own members who cannot, in the light of their convictions, be military belligerents, has resolved:

"That we ask our government, federal and state, to grant these persons, and all other conscientious objectors, the same rights of conscience as now enjoyed by the Society of Friends."

The Congregational and Christian Churches have resolved:

"To make representation to the United States Government, asking that those members of the said Congregational Churches, who wish to do so, be permitted to register as conscientious objectors to participation in any of the activities of war, and that their objections be recognized as valid by the United States Government."

This list of resolutions could be extended much further, and it represents an important factor in the situation with which any conscription bill for military service must deal. We who plead for the suggested amendment are sure that we are asking for a just and realistic facing of the facts. These great churches, representing millions of our most devoted citizens, who deeply believe in the rights of the religious conscience, deserve your consideration.

Second, this proposed amendment is thoroughly loyal and patriotic in its motives. The attitude of these great religious bodies springs not from an unwillingness to defend democracy, but from a real anxiety not to impair democracy among ourselves while we are preparing to defend it against an external enemy. That the proposed amendment is reasonable and workable is indicated by the fact that it is practically the same as the provision in the present British Conscription Act. The British treatment of conscientious objectors in the last war was an occasion of regret and shame, after the war was over, just as our treatment of conscientious objectors here has been in the eyes of many. The British have not repeated the old method. They have done, even in the terrific crisis that faces them, what we are asking for here; they have given all conscientious objectors the right to state their case before civilian boards and be assigned to noncombatant or civilian service if they are genuine; and the method has worked out, not to decrease the efficiency of the national service, but to increase the national unity and good will. Moreover, the British have gone further than the amended bill presented by the Military Affairs Committee of the Senate has gone, and have made provision for complete exemption in cases that seemed to justify it. We plead with you for the adoption of this fuller provision.

The men whose profound religious convictions we are trying to protect by this amendment are not slackers. If slackers try to take cover under their name, the amendment provides the means to root them out. These genuine religious objectors to war are among the best stock we have. Taken as a whole they are quite ready to die for their country but they cannot conscientiously kill for their country. To lock them up in jails and concentration camps is sheer loss to the nation when the vast majority of them would willingly do noncombatant service. Especially in view of the millions of men subject to the draft in the United States, in comparison with the number needed for combatant service, for us to refuse the kind of

consideration for the rights of conscience that this amendment provides seems sheer arbitrariness to some of us. Surely, if the British, in their crisis, could use this reasonable and democratic process that we suggest, our Republic can respect the rights of individual conscience as much.

Certainly we ministers are seriously involved in this matter. I regard military invasion of this continent a highly improbable contingency, but if it should ever occur, my congregation in New York, for example, would be unanimous I think to resist the aggressive evil. Some of the young men would be eager to resist by military force; some, as conscientious objectors, would be ready to resist by noncombatant or civilian means, choosing in most cases I suspect, the most dangerous jobs they could be assigned to. Now it would be my duty to honor the consciences of both groups. Both the man who thought he should fight and the man who, while willing to die in service could not conscientiously kill in service, I must serve and the conscience of both I must respect. If, therefore, a sincere conscientious objector should come to me, I as a Christian minister, would have to tell him to follow his conscience and obey God's will as he saw it. You would have no respect for me if I told him not to follow his conscience. But, as far as I can see, from section 10 of the unamended Burke-Wadsworth bill, as you have it before you, I should be breaking the law if I did that, and the government should lock me up, and probably would lock me up. There are thousands of ministers who would face this issue, and what good it will do the nation to fine or imprison such ministers I cannot see.

The place to deal with this whole problem is at the start in a fair and wise provision for the rights of the religious conscience under a democratic process. I am sure you will save everybody concerned, from the churches to the army, no end of trouble by adopting the policy we recommend.

Third, from the standpoint of making the Conscription Act work with a maximum of efficiency and a minimum of friction, it seems to me, this amendment is practically desirable. I need not tell you that among equally intelligent and loyal American citizens there is today a serious difference of judgment as to the necessity of any conscription act at this time. I personally agree with the statement recently signed by some 240 citizens in which we "urge the American people and their representatives in Congress to deliberate with sober caution before permitting such an unprecedented innovation to become a part of our national life." Even on the most realistic military grounds the leading article in the August Harper's Magazine, written by Mr. Hanson Baldwin, a graduate of Annapolis and military analyst on the New York Times, indicates how questionable, even among many who are not pacifists at all, is this break with American tradition that calls for military conscription at a time when the United States is not at war, and when an overwhelming majority of its people are determined not to go to war. This doubt about the necessity of conscription is not unpatriotic, but springs from a deep concern for the preservation of our democratic civil liberties.

Under the circumstances, were I a member of your honorable body and were convinced, as doubtless many of you are, that conscription is necessary, I should want at least to make this bill as little obnoxious as possible to the good conscience of our American citizenship. If under present circumstances the military courts begin doing what was done in the last war, and thousands of fine youths for conscience sake are sent to jail, the results will not be salutary for American unity and goodwill. The trouble will not spring simply from pacifists. These youths will represent families, communities, and great churches, the majority of whose members are not pacifists, but whose devotion to the rights of the religious conscience will be involved in the protection of their young men from the violation of their religious convictions. On grounds of practical strategy, if for nothing else, I should urge the adoption of this amendment.

For such reasons as these this change in the proposed bill is presented to you. This whole matter has come up so suddenly and has moved so swiftly that the full force of the feeling in the churches cannot be brought vocally to bear upon you up here in Washington, but I am confident I have not exaggerated the strength of it, or the consequent sense of injustice that will arise if the process of conscription is now decided on and is administered without adequate provision for the protection of genuine religious conscientious objectors.

From the statement of Rev. Eugene M. Austin, minister, of the Tioga Baptist Church, Philadelphia, Pa., before the House Committee on Military Affairs, 1940.

Dr. Austin: Mr. Chairman and members of the committee, I have been sent to Washington by a group of Philadelphia ministers of all denominations. Some of them are elderly men. Some of them served in the last war. Others of them like myself fall within the age classification from which the first conscripts will be drawn if the bill becomes law. We are unanimous in our opposition to the Burke-Wadsworth bill.

There are many reasons why we oppose the bill, but lying at the very heart of them all is the conviction that the measures which the bill proposes are a concrete denial of the one doctrine that lies at the very center, the very core of every Christian creed, namely, that the human soul is sacred and inviolate. A government can take a man's money, his house, his property, and use them in any way it sees fit, but it cannot conscript his life, his soul, his conscience, without violating the highest law of God. And if history teaches us any lesson at all, it is certainly this: that any nation which carries out its national destiny by the use of instruments which violate the laws of eternal God is doomed to destruction and decay.

But let me frame our opposition to this legislation in another way. Let no man say, as some are prone to say in America, that the Christian church in America is raising a generation of young men to refuse to serve their country. That is not so. We as ministers are eager to serve our country. And we are eager to have our young men serve her in the highest way they can, and we believe that service to country is not service except as it is service with conscience.

Accordingly if a man's conscience guides him to serve his country by entering freely and of his own volition into military service the church gives him benediction and godspeed. On the other hand, if a man's conscience guides him to resist military service believing that by doing so he can serve his country best, believing that by resisting he can raise the

tide of idealism and aspiration in America and stem the tide of militarism and intolerance which threatens to engulf the world, the church gives to him as it gives to the conscientious soldier, its benediction and blessing. That is why the church and the state have gone hand in hand down through the years here in America. The church has preached the freedom of the individual soul before God and the state has insured that conscientious freedom by constitution and by statute.

And it is just that freedom of conscience which is threatened by the legislation which is before you. Bear in mind, gentlemen, I am not here today to argue the merits or the shortcomings of the intellectual position of the conscientious objector. Other men have done that. Dr. Fosdick has done that much more ably than I could. The group which I represent is opposed to the bill in its entirety because we believe that it cuts at the very heart of the faith of the Christian church, which is that every man must be left free to serve the state with his conscience. That, as we see it, is the danger of this bill. It tells the manhood of America that from now on officially he has no conscience. The state is his sole arbiter before Almighty God. It tells him that he no longer shall have the power to choose how best he can serve his nation and his God. That choice is in the hands of the military intelligence. And, gentlemen, when that happens we will be living no longer in the America that has cherished our highest aspirations and ideals but in a military despotism no different or different only in degree from those despotic governments which have brought spiritual madness and moral chaos to the lands across the sea.

Mayor LaGuardia and Mr. Norman Thomas on Friday both expressed their conviction that this country must have unity. They disagreed as to the effect which this pending draft legislation would have upon our national unity, but in our judgment they both failed to express the matter which concerns our group most gravely.

The question which is in our minds is this: What kind of national unity do we want? Do you mean by "unity" that mental and intellectual lockstep which characterizes life under the totalitarian governments? Then the legislation which you have in hand is admirably adapted for your purpose. The first step in setting up a regimented uncreative dictatorship in America is to line up the manpower of the land and to place that nation at the disposal of the military powers.

But that is not the kind of unity which we regard as desirable. We repudiate it as we believe all free Americans will repudiate it if you will give them time to prepare their opinion of this legislative. No, the only unity which really matters is a voluntary thing. It cannot be forced from people. It must arise out of their experience and their faith. When men believe in America they will stand behind her; and their belief will bind them together in a common bond of love and loyalty. But any attempt to bind them together by force or threat of force or fear of imprisonment will only serve to destroy that spontaneous brotherhood which is the only kind of national unity which will keep America free.

For these reasons we urge you gentlemen in times when keen spiritual insight and moral independence are so sorely needed in this land of ours that you will see to it that the manhood of America shall be left free to serve our land with its conscience as well as with its brawn.

Statement of Rev. W. Appleton Lawrence, Bishop, Protestant Episcopal Church, Diocese of Western Massachusetts, before the House Committee on Military Affairs, 1940.

Bishop Lawrence: I come here not in any representative or administrative capacity, but I come because of my deep concern over the original provisions of the Burke-Wadsworth bill, and my realization that I could perhaps bring to this committee a point of view which they might not have an opportunity to bring over here.

I speak as an individual Christian. I was not sent here by anybody. I come at my own expense at some inconvenience. I do happen to be the chairman of a fellowship with the Episcopal Church that represents those that cannot conscientiously square the Christian religion with the war system, the executive committee being composed of two other bishops and two other deans. We are not a large body. We are, we hope, a sincere body.

We have already heard a good many arguments, and I am going to lay aside my prepared paper to try to speak to the points which have not been as fully covered as perhaps some other points that I had thought to speak upon.

The first is that in considering the conscientious objectors, some people seem to feel that that is an obstructionist attitude, that it has merely a passive quality, a sort of Uriah Heep quality. I do not think of it as such. I rather think of it as conscientious affirmations. We make certain affirmations and from those affirmations there are certain applications and results which lead us in certain directions. Affirmation that God is our Father does not mean our faith. It means all people's faith. When we try war, creating war—fratricide—where we find it difficult to reconcile the brotherhood with our point of view. When we think, as I read, and I have great respect for people who read it quite different and I know they are just as sincere as I and feel just as strongly that they are right, but I cannot feel that Christ would send me or my agent, you might say, to kill, or even to defend people that are innocent, by the bayonet and by other means.

I still believe that the means that we use qualify the end that we eventually reach, and that as whereas we may start out in a very highminded idealistic way when great losses come, sacrifices are made inevitably, almost a retaliation and revenge comes into our lives. It is not so much the terrible and disastrous consequences that war deals to men's bodies but also to men's souls and to men's spirits, but especially that there are within seeds of its own destruction.

I happen to believe—these are my personal convictions and I know that only a few of you would agree with me here—that the Sixth Commandment is just as infallible and holds just as fast in all relationships of life as the Seventh Commandment: "Thou shalt do no murder."

The Seventh Commandment says: "Thou shalt not commit adultery."

I know you gentlemen, even though you see that law broken, are not thereby disturbed by that fact, but still you do know that it is a right law.

APPENDIX

It seems to me just as inadequate to describe a Christian as a conscientious objector as it would be to describe a good husband as a man who did not commit adultery. So much for the positive aspect. It is a new way of life. It is a new approach.

The second thing I would say is that I have a New England conscience, because I was born and bred in New England, which is a strange and fearful thing to a good many people outside of New England, and indeed to those of us in New England it is a very troublesome kind of conscience. Some do not understand it.

During the Inquisition Torquemada tried to follow the idea that if you hit a man enough you could change his convictions. I hope we have outgrown that idea.

Whereas I speak as a religious conscientious objector, I would like also to reach out with sympathy and understanding to those who, out of humanitarian grounds, if not on philosophical grounds, are not touched by this amendment. I would not speak for the political man who thinks of it from that point of view, but rather from those philosophical and human points of view it would be terrible, it seems to me, if you created a situation in the United States like we find in Germany where Martin Niemoeller has done more to dramatize the situation there than any other single person.

I would say again I hope you realize we do not count ourselves unpatriotic, and that we are not unwilling to give of our lives, that we are as ready to sacrifice as any other person, but we feel there are different ways to defend the United States of America. The militaristic way has been spoken of almost exclusively today.

I think when a man comes to you for a job there are different ways of dealing with that man. You can either turn him down as one who has not looked far enough, who is not sincere, or dishearten him, or give him a dollar that will carry him a little further, or you can give him a temporary job, or you can perhaps give him an idea that will get him a job, which will make him serve as a useful citizen of the United States. The giving of a job is a constructive, helpful way of doing something for one's country.

As a matter of fact I regard the front line as rather in the realm of the ideologist, rather in the realm of thought. We are coming up stark against a different point of view, a whole different philosophy of life and there must be means of defense of that ideology which is permeating through the country and there should be those who are particularly qualified and able perhaps to meet that. You take perhaps one of our strongest ways of meeting this situation is by making the democracy work a little bit and making an understanding of democracy in the United States of America a little more complete.

I would maintain that this bill, as I read it, would, to a certain extent, defeat the very principles for which it stands, for which it tries to protect. I think if we consider our states as a house; there are many people at the front door guarding, as it should be guarded for fear that the enemy may come in on a militaristic basis.

There are other people down in the cellar saving the very ground works of our economic foundations and also guarding it and protecting it. There are other people looking out window and, perhaps even going into the skylights to see there are no "fifth columnists" and other people trying to get in. It seems to me in the meantime a mild form of totalitarianism is walking in our back door, and that some of those principles and institutions for which the United States has particularly stood are overlooked, or if not overlooked, underestimated.

Now I hope, and I know that you yourselves hope, and I know, you hate war just as much as I hate war, but I hope that this other aspect, this other point of view, this other area of life may have an adequate recognition, and that perhaps that some of the bonds which you have hoped to designate along some lines may be used along this or a heavier constructed line.

So I will close as I began, thanking the committee for this opportunity to be heard as an individual, hoping that you will provide a more adequate provision even if not provided by the amendment, so as to include conscientious objectors, even nonreligious conscientious objectors, and that you deliberate, as I know you will deliberate, from the hearings I have already attended, in an unhurried way, to see the fundamental philosophies which are inherent under this bill.

Statement of Roswell P. Barnes, associate general secretary of the Federal Council of Churches of Christ in America, before the House Committee on Military Affairs, 1940.

Mr. Barnes: Gentlement of the committee: I am here as a representative of the Federal Council of the Churches of Christ in America on behalf of the council and its member churches with regard to the references of this bill to the religious conscientious objectors. Dr. Walter Van Kirk, a secretary of the council, has already communicated to your chairman in a letter dated July 19, 1940, the concern of the churches. I appreciate your courtesy in permitting me to amplify that statement and to answer what questions I can.

Practically all of the larger denominations of this country, by official action, have expressed concern for, and their purpose to defend the rights of those of their number who have conscientious scruples against participation in war. These bodies include, among others, Executive Board of the United Lutheran Church in America, International Convention of the Disciples of Christ, the Methodist Church, Congregational and Christian Churches, Protestant Episcopal Church, Presbyterian Church in the United States of America, Northern Baptist Convention, Evangelical Synod of North America, Special General Conference Reformed Church in America, American Unitarian Association, Universalist General Convention, executive committee Federal Council of Churches.

Some of the churches, such as the Methodist Church and the Congregational Christian Church, have specifically requested the Federal Council to take the initiative in representing the common interests of the churches in this matter. We have been receiving a large number of letters and telegrams from church groups across the country asking us to represent them with the urgent request to change the terms of the bill at this point. The Protestant Episcopal Church has a committee charged with the responsibility of sponsoring legislation to provide for alternate service for conscientious objectors. The executive committee of the Federal Council of

Churches on October 6, 1939, approved the bill of the Episcopal commission in principle. I have a memorandum and would request that it be inserted in the record, and I think there is so much of a recognition of principle in it that will serve the purpose of the committee rather than take the time to read it.

As submitted to your committee, the draft legislation provided for the exemption of—

Any person . . . who is found to be a member of any well recognized religious sect whose creed or principles forbid its members to participate in war in any form. . . .

I respectfully recommend that this section of the act be amended to provide exemption for members of any well-recognized religious communion who have conscientious scruples against the bearing of arms or participation in war. To exempt only such persons as are members of those sects "whose creed or principles forbid its members to participate in war in any form" falls far short of meeting the requirements of the existing situation. Were this act to be adopted in its present form, a grave injustice would be done to those members of other religious bodies who are no less sincere in their opposition to war and compulsory military service.

In February of this year, 300 prominent churchmen, representing 28 communions, met in Philadelphia at the call of the Federal Council of the Churches of Christ in America in cooperation with the Foreign Missions Conference to discuss the critical world situation. With respect to the conscientious objector, the conference said—and I quote two paragraphs—

/ "The church does not seek special privileges for any person in upholding the right of conscientious objectors nor do conscientious objectors take their position as an escape from risk, and suffering, at a time when tragedy is the common lot of mankind.

"In seeking to uphold by legal means the civil rights of conscientious objectors, the church does so as a means of maintaining the religious freedom, which God-fearing man must and will act upon, no matter who seeks to deny it, and the civil rights basic to democracy. . . ."

This statement reflects the considered judgment of the great majority of our churches. I submit that your committee is duty bound to take this fact into account in the legislation now being drafted by your committee.

President Roosevelt, in a statement made public at Hyde Park, July 5, named five "freedoms" deemed by him to be essential to peace and world order. Among these was the freedom of religion. The churches support this declaration of the President. How can religion be "free" if the honest and well-established position of the conscientious objector of our churches is ignored in the proposed system of selective compulsory military training?

The Federal Council of the Churches has not, thus far, taken any official action with respect to the bill itself. But it does claim the right to bring to the attention of your committee the necessity of making adequate provisions for such members of our churches as have conscientious scruples against participation in war and in compulsory military training. Indeed, as I have already indicated, we have been mandated by several of our constituent denominations to do this very thing.

The Federal Council has created a special committee of the conscientious objector. This committee will welcome the opportunity to confer with you and with other members of the Congress regarding forms of alternative service to be rendered by conscientious objectors in the event such persons are to be exempted from military service. A civilian administrative agency might well be created with which the churches might cooperate in the promotion of nonmilitary projects for the conscientious objector.

He then submitted statements showing what other churches and religious bodies had said regarding conscientious objectors. These are not included here since they were introduced later and in more detail by Howard K. Beale, of the American Civil Liberties Union, and will be found in the appendix as part of his remarks before the Senate Committee on Military Affairs.

Statement of Arthur J. Edwards, representing Council for Social Action of Congregational and Christian Churches, before the House Committee on Military Affairs, 1940.

Mr. Edwards: I am Mr. Arthur J. Edwards, a layman of the Congregational Church, residing in Montclair, N. J., and doing business in New York, and the Southern Hemisphere . . . I am delegated to act as representative of the Council for Social Action of the Congregational and Christian Churches for the purpose of presenting a certain petition which the chairman has there.

The chairman has a copy of the bill in which I have underlined the desired amendments so that he can follow it. The petition reads:

We petition that the bill be amended in section 7 (d), lines 19, 20, 21 (House print) by striking out the words "member of any well-recognized religious sect whose creed or principles forbid its members" and inserting in lieu thereof the words "persons whose sincere conscientious, religious beliefs, principles and convictions forbid him" and in line 24 of the same section, by adding after the word "prescribe" the following words "before civil appeal tribunals constituted under section 11 (a) (ii) of this act"; and by adding at the end of said subsection the words "except when engaged in such alternative service as the President may approve," or equivalent wording as to all the same ends.

This is signed Dwight J. Bradley, as executive director of the Council for Social Action of the Congregational and Christian Churches, and Arthur J. Edwards and Dwight J. Bradley as citizens.

This portion of my testimony relates exclusively to the item of conscientious objectors. I am trying to talk in the language of you gentlemen here and to make my statement relate to the specific wording of the bill, because you have had the various philosophical situations and the conscientious objector most eloquently presented by Dr. Fosdick.

The proposed amendments constitute no modification of the principles of exemption or the methods by which conformance is to be determined, this decision being left, as it is, to such regulations as the President may prescribe. In the bill as introduced, an

exempt man must prove two qualifications: One, the holding of the conscientious belief forbidding participation in war in any form. Two, membership in a limited organized sect of exclusively similarly minded religious associates.

The second qualification, while it should be invaluable as administrative proof of the first qualification, is not conclusive or controlling. It should, we believe, be omitted for the following reasons—let me interject here that with the permission of Mr. Wadsworth I desire to call attention to the amendment in our petition to the position of the Universalist general convention on the basis of this letter to Mr. Wadsworth, and I omit the first paragraph:

"My friend, Mr. Arthur J. Edwards, is very much interested in changing the phraseology of a bill for . . . a system of selective compulsory military training and service. I think his point is well taken. I am interested in the substitution that he suggests, as president of the Universalist general convention which is the governing body of the Universalist denomination."

That is signed by Louis Annin Ames, president of the Universalist general convention. . . .

Getting back to the exact wording of this. I ask the committee to take judicial notice of the fact that the Senate Committee, without final action, has sanctioned the printing of Committee Print No. 4 of one of S.4164, so when I speak of the Senate bill I will always refer to Committee Print No. 4.

I have studied that very carefully, and I think it compiles exactly as to meaning with the amendment which we petition for. In drawing my petition I tried to follow the wording of the original bill and substitute a minimum number of words.

The Senate bill has the merit now of carrying out the skeleton of the provision for conscientious objectors, and also providing the muscle and detail of the procedure by which it is to be taken care of. That procedure places it in the hands of the Department of Justice.

I came here, or I decided to come down at first with one of those grievances which the constitution lets us submit in a petition to Congress. My grievance was the drafters of the bill had apparently forgotten the experience of the World War, and furthermore importantly had forgotten that the President of the United States in an Executive Order of March 20, 1918, substantially changed the law relating to conscientious objectors.

I think there had been some 4,000 of them who had accumulated in the camps and you gentlemen having served in the army know who and where they were. And he wanted to clear up the situation. He made an Executive Order changing the law relating to them, of which section 2 reads as follows:

Persons ordered to report for military service under the above Act (Selective Service Act of May 18, 1917) who have (a) been certified by their local boards to be members of a religious sect or organization as defined in section 4 of said Act, or (b) who object to participating in war because of conscientious scruples but have failed to secure certificates as members of a religious sect or organization from the local board, will be assigned to noncombatant military service as defined in paragraph 1, to the extent which such persons are able to accept service as aforesaid without violation of the religious or other conscientious scruples by them in good faith attained. . . .

I am making this plea not as a conscientious objector, but merely as a lay member of our administration that wants to see justice done to a good many people who have ideas which we perhaps do not understand or sympathize with, but the fact that those ideas exist is something you can hardly debate.

As to those men under the World War procedure first of all there was an endeavor made under the order of the Secretary of War (Baker), May 30, 1918, appointing a board of inquiry, consisting of a Major Stoddard, I think, Judge Julian Mack, of Chicago, and Harlan Stone, dean of law school of Columbia University, and now Associate Justice of the Supreme Court.

This board of inquiry was instructed to find out every one of these conscientious objectors, and they were busy every day, because they had to travel from cantonment to cantonment through the army, and they did actually persuade approximately about 1,200 of the men to accept noncombatant service in the army, and they did persuade about 1,500 of them to accept so-called agricultural furlough.

But they made no progress in dealing with the other 503, I think it was. I have thought something of the remark on the meaning of the military service when serving on a court martial, but instead of that I quote from the editorial in yesterday's Washington Post:

"The mistreatment of some of these recalcitrant objectors is a dark chapter in the history of the last war which should never be repeated."

There were 503 tried. One man was acquitted. Fifty-three of them were either committed, or by reason of the action of the Judge Advocate, relieved of the sentence. But these were the sentences that were involved: Seventeen of these men were sentenced to be shot by musketry, 142 of them were sentenced to life imprisonment, one to 99 years imprisonment.

As to the group from 40 years or more up to life, there were nine there. In the ages of 20 to 30, 150 were sentenced from 10 to 20 years, 30 of them sentenced from five to eight years, and this bill provides for a maximum sentence of 5 years for violations of the Draft Act, and from one to five men were given a sentence under five years.

I think this is a situation which should be dealt with. It is my personal opinion the civil part of the government, the civil government of the country, should determine from the military arm how many men are requested, and then the civil part of the government should take the responsibility for making the selection of those men, and should only send to the military arm men who are really acceptable as soldiers with no reservations when they come to take the oath. And that the civil arm, if it finds any of these men are seeking exemption in violation of the terms of the law, then the civil arm should assess the penalty. At that point I will terminate the representative portion of my testimony, because the Council for Social Action is a representative board or council of the Congregational and Christian denominations, which was to act on its own authority. It is to investigate areas of strain and of the life of its people and of the country, to educate its people, and they intercede in specific situations. This is one of the situations in which it intercedes.

I want to make definite that I am only speaking for the council which is some 25 people. The council are representative men and women, and they hope they furnish a representative opinion. As a matter of fact the general conference denomination meets in the middle of August in Berkeley, Calif., and they will be asked to ratify as the major body the petition made here today. . . .

I would like to say at this point that the letter to Hon. A. J. May from Dwight J. Bradley, executive director of the Council for Social Action of Congregational and Christian Churches, states:

"The Congregational and Christian Council for Social Action does not stand in opposition to this bill."

Neither does it stand in favor of it. So far as I know this has come on too fast to canvass any substantial number of churches and members of the denominations to give an authoritative answer to that question, and you know one of the fundamental administrative rules of the Congregational and Christian Churches is the home rule by each church in matters of faith and conduct.

Statement of Dr. Paul H. Bowman, representing the Church of the Brethren, Bridgewater, Va., before the House Committee on Military Affairs, 1940.

Dr. Bowman: Mr. Chairman, my name is Paul H. Bowman; I am connected with Bridgewater College, Va., and am making a statement in behalf of the Brethren. I may say I am deleting from our statement any specific criticisms we may have to the bill. It is our feeling this statement may help the committee in a little better understanding of these groups that have been in the attention of the committee today, known as the conscientious objectors.

I speak as a representative of the National Advisory Council of the Church of the Brethren, a body of religious people commonly called Conservative Dunkards. We are closely associated with the Mennonites and the Society of Friends, especially in our work for world peace and the relief of human suffering. We represent more than 1,000 congregations in the United States and a membership of 173,000 pople. We have no desire to consume the time of your body by indulging in mere repetition of the discussion which has already been carried on. We are eager, however, to have members of Congress understand clearly the spirit and purpose of our people in their relation to the government and their obligations as American citizens. We appear before you to present such a statement.

The Church of the Brethren believes that the greatest redemptive force in the world is the quality of life represented by Jesus Christ and the teaching of the New Testament. Essential qualities of that life are love, unselfish service, and freedom under God to follow the light of truth. The Brethren are impelled by historic tradition as well as their Christian profession to follow that way of life at whatever cost. They believe in the freedom of human conscience, which enlightened by experience and divine revelation, is the clearest voice of duty to man. In this principle the currents of human conduct are divergence but there is no alternative for the individual except to follow that call wherever it may lead.

The Brethren are historically a peace people and subscribe to the principle that love, good will, and brotherhood are the only bases for security and peace in human society and that force and violence are ultimately self-destructive. They accept the task of bearing testimony to that faith against all odds and all opposition and in contradiction to all opposing ideologies.

The Brethren regard their supreme citizenship as being in the commonwealth of God to which they yield their greatest loyalty, but they do accept constructive and creative citizenship in the state. They exercise the right of suffrage and approve the holding of public office where the principles of love and nonviolence are not violated. Political government is regarded as ordained of God through the collective judgment of its citizenry but the Brethren deny the right of the majority to conscript or suppress the consciences of the minority. They are not obstructionists but refuse to bear arms or learn the art of war. They pay their taxes faithfully as imposed by the government; they obey the laws of the land as loyal citizens; they lay little burden upon the government for settling their disputes, and rarely has the government found it necessary to charge against them any part of the enormous crime bill of this country. They build stable homes and foster permanent family ties in harmony with the best American traditions. In times of war, as well as peace, they proclaim a social order based on love and brotherhood and seek to practice those eternal principles of life revealed by the Master.

The Brethren seek to voice their convictions when national policies are being determined and when legislation is being considered, but when those policies are once enacted into law even contrary to their belief, they do not attempt to obstruct the government or otherwise thwart the will of the majority. In the matter of national defense they believe that the greatest peril of the country lies within the lives of its own citizens and that physical defenses are futile unless the nation preserves and strengthens the moral and spiritual qualities of its national life. When the government deems it necessary to spend vast sums of money for national defense they desire to contribute all the more to those inner defenses of mind and soul from which there can be no recess in times of either peace or war.

It is the desire of the Brethren to be creative citizens and forerunners of a better order to which they believe this government at heart is forever committed. It is their purpose to bless and heal, to do good to friend and foe alike, to relieve distress and suffering, to save human life and conserve property and wealth, to help create and maintain a spiritual emphasis in business, education, and government, and to do their full share in preserving the spiritual foundations upon which all human civilization must finally rest.

In times of war the Brethren believe that they must still be creative and not destructive. They want to serve in those enterprises which are not removed in purpose so far as possible from war and bloodshed, and which are calculated to help the nations more easily forgive and forget the bitterness and hatred which war engenders. To these enterprises the Brethren expect to bring a spirit of courage and self-sacrifice and a willingness to face physical hazard comparable to that of the soldier in the ranks of the military forces. They desire to help keep alive in American life a spiritual glow and a sense of world mission which shall make this nation virile and strong throughout the world in the cause of justice, righteousness and peace.

It, therefore, follows from the above statement that we could scarcely be true to our profession and the historic position of our church without protesting against any legislation which seems to violate these principles of our faith and departs radically from the spirit and tradition so long held by our government. We desire to file our objection to House bill No. 10132, otherwise known as the Burke-Wadsworth

bill. The grounds of our objections have already been amply covered in the testimony of other historic peace groups, particularly in that of the Friends and Mennonites.

We would like to conclude our statement with an expression of appreciation for the efforts of members of Congress to draft a satisfactory bill on this difficult issue. We are grateful for the recognition which the amendment to the bill gives to those who are opposed to war on the grounds of religious conviction. We believe that freedom is the essence of democracy and we must look to representatives in Congress to protect and preserve that essential right of the people. We are very grateful, Mr. Chairman, for your courtesy, and we want to offer our services to the end that there may be found a complete reconciliation between the policies of our government and the consciences of those of our citizens who cannot engage in war or train for military service.

The Chairman: Thank you very much, sir. Your statement is very good.

Statement of Abraham Kaufman, executive secretary of the War Resisters League, New York City, before the House Committee on Military Affairs, 1940.

Mr. Kaufman: Mr. Chairman and gentlemen, I am representing the War Resisters League at this hearing and I am serving in a voluntary capacity as secretary of the United Pastors' Committee.

I have great respect, Mr. May, for the patience which you and the other members of your committee have shown in dealing with the tremendous number of witnesses, and that is why I venture to test your patience once more, despite your most recent statements that you have little patience with young men who are opposed to war as a method of defense. And I am saying that because I know you have the patience, sir, and I will, therefore, make my statement brief.

Since you have such able presentations of the issues, and the presentations I refer to are those of Dr. Boss, Mr. Wilson, Dr. Fosdick, and Mr. Tompkins —this morning I will not further test the patience of this committee with a petition of testimony already given.

We oppose compulsory training in general, and this bill in particular. I wish merely to present to you the case of those citizens whose point of view is closely akin to the religious conscientious objector, men who have a clear sense of their responsibilities to their neighbors and fellow citizens, men and women who have arrived at their point of view because of humanitarian, intellectual, or moral reasons. These men and women may not be covered by the present wording of section 7A of the Burke-Wadsworth bill, nor by the most recent Senate committee revision. Yet, they are not political objectors to our form of government. They oppose all forms of totalitarianism—red, black and brown. We can have among our members no Communists, no Fascists, no Nazis, for we reject all war and all militarism.

We owe allegiance to no foreign country; we do not have to anxiously watch the diplomatic moves of Mr. Stalin or Mr. Hitler, to decide whether our current policy should be that of "aid to the Allies" or "keep the United States out of war". Our program has been a consistent one and did not change, for example, with the Hitler-Stalin pact of last year. We do not expect to change it again when and if Stalin should decide to rejoin the democracies in their battle for "righteousness".

The War Resisters League, founded in 1923, is a nonpolitical organization, including some 18,100 men and women in 48 states. It is a part of War Resisters International, with members in more than 40 countries—members who in peacetime have earned the respect of their fellowmen for their sincerity. They do not evade the law, but at great personal sacrifice they chose conscience where there was conflict between conscience and the law.

We respectfully request that you place into the record the attached statement by Winson Dancis, New York organization chairman of the War Resisters League, a young man who, though not a religious pacifist, has shown by his record of unselfish devotion to work for peace and for a better world, that his point of view contains what is essential in religion at its best.

May we have this brief statement included in the record, so that it need not be read, Mr. Chairman?

(The statement was included in the record. Later Mr. Kaufman introduced a further statement setting forth the War Resisters League's opposition to conscription in principle. The statement follows:)

In addition to placing ourselves on record as opposed to conscription in principle, we wish to ask you to give careful consideration to three changes in the Burke-Wadsworth bill which would incorporate three principles at present contained in the British Military Service Act:

1. Recognition of the nonreligious as well as the religious objectors.

2. Granting of exemption from military service, from noncombatant service, and full exemption for those found to be conscientiously opposed to these types of service.

3. Placing the administration of problems relating to the conscientious objector in the hands of a nonmilitary board.

From the statement of Rev. Paul Schilling, chairman, Committee on World Peace, Baltimore Conference of the Methodist Church, before the House Committee on Military Affairs, 1940.

. . . And then I mention two basic grounds. There are many others, which you are tired hearing before this. I want to mention only those two today.

We hope the weight of these considerations will lead you, too, to oppose the passage of any conscription measure at this time. If, nevertheless, you favor some form of conscription, we urge the inclusion of at least two conditions:

1. The bill should make adequate provision for all genuinely conscientious objectors to military

training and service, whether their objections springs from religious, ethical, or philosophical grounds. To this end we recommend amending section 6, paragraph (d) by deleting the words "by reason of religious training and belief" so that exemption would be extended to "any person . . . who . . . is conscientiously opposed to participation in war in any form, and is found under the terms of the bill to be a bona-fide objector." Freedom of conscience in a democracy is too precious to be stifled, even in time of an emergency. Great Britain, though fighting for her very existence, has not changed her far-sighted provision for all real conscientious objectors, even granting complete exemption to those few who cannot conscientiously accept even civil work under civilian direction. We recommend a similar provision for the United States if conscription becomes law. Free men make better citizens than serfs.

2. The measure should include a definite declaration that it is merely temporary in nature and does not contemplate fixing conscription permanently on the American people. Conscription continuing for an indefinite period would be a greater threat to our democratic way of life than any forces now endangering us from beyond the seas.

Statement of Rev. James A. Crain, Disciples of Christ, of Indiana, before the House Committee on Military Affairs, 1940.

Mr. Crain first read into the record four telegrams sent to him opposing the Burke-Wadsworth bill.

Mr. Crain: The religious body known as the Disciples of Christ is composed of nearly 9,000 churches and approximately 1,700,000 communicants in the United States. It is distinctly an American religious movement, having had its origins in western Pennsylvania, Virginia, and Kentucky early in the nineteenth century. It is further identified, Mr. Chairman, by many of you in the southern states who know this unit as the Christian Church.

It has always been a pioneer movement, close to the life of the common people, among whom its membership is found. Its principal numerical strength lies west of the Allegheny Mountains to the Rockies, in the south, southwest and on the Pacific coast. It is a democratic, congregationally governed body, with a minimum of ecclesiastical control and maximum of liberty of individual opinion and conviction.

The most representative spokesman of these free churches is the international convention, to whose annual sessions all churches are entitled to send delegates. The actions of the convention are not binding upon the churches but are in practice taken as representative of prevailing opinion.

The international convention has on numerous occasions gone on record against compulsory military training in high schools, colleges, and universities. The convention has had no opportunity to express itself on the issues involved in the Burke-Wadsworth bill (S.4164) since the question of conscription has arisen since the last session of the convention. But from the strong stand repeatedly taken with reference to compulsory military training in schools and colleges there is every reason to believe that the convention will take an equally strong position with reference to compulsory service in the armed forces in peacetime.

May I say, as secretary of a department of social education and social action, as to the exemption of conscientious objectors as a noncredal body, it is obviously impossible for the Disciples of Christ to make refusal to do military service an article of doctrine of the church. Such would be repugnant to their ideal of freedom of individual conviction and of individual responsibility to God. The same principle, however, commits them to unqualified support and approval of those within their fellowship whose concept of their duty to God forbids them to participate in war or to take human life. This principle has been stated by the international convention on numerous occasions. The last international convention, held in Richmond, Va., October 19-25, 1939, adopted a resolution from which the following excerpt is taken:

"As a free and democratic fellowship, the Disciples of Christ recognize the right of individuals to follow their own consciences in matters of practical conduct. Inasmuch as convinced Christian pacifists constitute an unpopular and misunderstood minority, we reaffirm at this time our respect for them and their position, and pledge our assistance to any who may face persecution or privation because of their pacifist convictions.

"In order that Christian pacifists among us may have an opportunity to record their convictions as to participation in war, we urge that provision be made for an early enrollment of all conscientious objectors within our fellowship. . . ."

May I say there that these people are enrolled in the only place that they can be enrolled, and that is the membership of their own local organization with a duplicate card coming into my possession. In harmony with the terms of this resolution, some 1,500 members of our communion have registered as conscientious objectors within the past three months and the number is increasing daily. To the support of their position we are unequivocally committed.

And I am directing this particularly to the attention of this committee to give serious attention to. We, therefore, respectfully ask members of the Senate and House of Representatives to give serious consideration to the following facts:

1. The Disciples of Christ are strongly opposed to the principle of conscription for military service or training in peacetime

2. The Disciples of Christ are committed to the support and defense of those of their number who are conscientiously opposed to participation in war or to military service in training for war.

3. If any form of conscription is adopted by Congress we respectfully petition that section 7 (D) of the Burke-Wadsworth bill (S.4164) as agreed to by the Senate Military Affairs Committee, be amended to read as follows:

"Nothing contained in this act shall be construed to require any person to be subject to combat training or service in the land or naval forces of the United States who by reason of religious training and belief is conscientiously opposed to participation in war in any form, and is so found to be a bona fide objector as hereinafter provided. All persons claiming such conscientious objections shall be listed on a register of conscientious objectors at the time of their classification by a local board, and persons so registered shall be at once referred to the Department of Justice for inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing shall be held by the

Department of Justice regarding the character and good faith of the objection. The Department shall, after hearing if the objection be sustained, recommend that the objector shall (1) be assigned to noncombatant service in such capacity as the President may designate as noncombatant; or (2) if found to be a conscientious objector opposed to participation in war in any form, that he shall be assigned to work of national importance under civilian direction; or (3) if found to be a conscientious objector opposed to participation in war in any form, to either combatant or noncombatant service, or to work of national importance under civilian direction, he may be granted complete exemption; or (4) if said objection is not sustained, the local board shall be immediately notified thereof and the name of such objector shall then be removed from the register of conscientious objectors, and such objector thereafter be subject to classification.

"Should such conscientious objector or the local board disagree with the findings of the Department of Justice, said local board shall immediately refer said case to the appeal board having jurisdiction for final determination."

There are some people in our community who find it impossible to do any form of communicant service. I personally do not hold that opinion. It is our judgment for the sake of the few people that we have we would be better off if they find it impossible to do that, then do not do it.

From the statement of Paul Comly French, Germantown, Pa., representing the Friends General Conference, before the Senate Committee on Military Affairs, 1940.

Mr. French: Mr. Chairman and gentleman, I was appointed by the Friends' General Conference, now meeting in Cape May, to present a brief minute which was adopted last night:

The central committee of Friends' General Conference, with headquarters at 1515 Cherry St., Philadelphia, Pa., in annual session at Cape May, N. J., July 8 to 15, 1940, desires to register with the Military Affairs Committee of the United States Senate its conviction that the adoption of military conscription, such as proposed in Senate bill 4164, is a negation of the right of conscience, and a denial of religious freedom. It is a violation of the fundamental concepts of democracy. It tends to a system of life and type of government in which the individual becomes subservient to the state.

We appreciate the duties and responsibilities of citizenship, especially in these times, and are eager to perform constructive service for the community, but are unwilling to grant the right of the state to conscript its citizens for services, which they hold to be morally wrong.

Signed on behalf of the central committee, Friends' General Conference. Arthur C. Jackson, Chairman.

Statement of Dr. Howard K. Beale, representing the American Civil Liberties Union, before the Senate Committee on Military Affairs, 1940.

Dr. Beale: I am professor of American history at the University of North Carolina, and I represent the American Civil Liberties Union, an organization that was founded in 1915 and has ever since then worked to protect American liberties wherever they are in danger. Its central office is in New York, 31 Union Square West. Perhaps I ought to say just a word about the American Civil Liberties Union. It is an organization that defends American liberty of speech and assembly, or other liberty wherever attacked.

Obviously, it has had to defend very often unpopular minorities. It has defended Communists, Fascists, Nazis, though it does not share the views of any of them.

Recently, it passed a resolution barring from eligibility for officership in its organization anybody who was a member of a Communist or Nazi organization or anyone favoring totalitarian ideas, or anyone whose beliefs and believers were inimical to the most fundamental of democratic concepts, or who ever publicly approved totalitarian ideas.

Now, I am not here to oppose nor to favor the Burke-Wadsworth bill. I am here to speak of just one point on behalf of the American Civil Liberties Union. I am not here to oppose compulsory military training in war or peace. I am here to speak on behalf of this organization on the very important point of protecting the fundamental rights of liberty of conscience in this or any other bill that is passed.

We are perfectly willing to leave to the military strategists the question of the military necessity of such a bill for defense purposes, the military necessities of it. We do not feel we are competent to pass on that. You are going to hear people from the army and navy next week who will give you information on that.

What I say is all in support of one point, and that is the importance of preserving the fundamental American right of liberty of the conscience, the liberty of the conscience that our fathers struggled for and hoped would never again be in jeopardy in America.

Now, most Americans, I think, are opposed, as I am, to Hitler's destruction of liberty. That is why we are so opposed to what he stands for. One cannot protect American liberty by first destroying one of its oldest and most fundamental parts—the freedom of conscience. So, I come to urge the Congress of the United States not to destroy it by legislative enactment that is meant to preserve liberty against the Hitler menace.

My organization believes that if section 10 is not modified and if section 7 (d) is not enlarged and changed, then Hitler will have won his first victory over us in the passage of this bill by forcing us through our fear to destroy one of the most fundamental of the rights we want to defend against him. The bill as framed duplicates the 1917 wartime act in leaving far too vague the provisions for protection of conscience. It makes no provision for other than religious objectors, or for most of those religious objectors, or even adequate provision for those few sects that would come under the exemptions of section 7 (d). We stand, the American Civil Liberties Union stands, for adequate exemption from military service for those Americans whose consciences will not permit them to do military service. We stand for this right for Quakers, who are now included in the bill but not adequately protected by it,

as I think some of your witnesses who are Quakers testified yesterday; also for conscientious objectors of all other religious denominations and for conscientious objectors on nonreligious grounds who by established membership in organizations like the Fellowship of Reconciliation can establish the sincerity of their objections. We understand the desire so often expressed not to protect cowards or people who want to shirk responsibility to their nation.

We deny that sincere conscientious objectors fall in these classes, that is, among cowards or shirkers of responsibility. We believe that by establishing local civil tribunals to hear their cases and by providing appeal from these boards to the courts, the sincerity of each person's objection can be ascertained in a manner fair to both the nation and the individual. And I want to explain to you in a moment how the British act works. We believe that such sentences as must be imposed should be for the duration of the war only. We believe that farm and industrial alternative services as sometimes provided in the last war through Presidential regulation should be included specifically in the bill. We believe that not only the consciences of such persons who will do noncombative military service but also the consciences of those who can conscientiously do only "civil service under civil authority", to quote the British act, should be protected and that all conscientious citizens should be given the privilege of serving their country in ways their consciences will permit. I think that merits your consideration, and I want to go ahead and explain it a little bit more.

I feel certain my organization's objections to the Burke-Wadsworth bill would be met if section 10 were modified, and if for section 7 (d) were substituted the provisions of the British conscription law. May I outline the provision the British have made for conscientious objectors?

(At this point, Dr. Beale described in detail the British procedure.)

I have studied this British law carefully and I believe it would meet the varying degrees of objection of all genuine conscientious objectors.

I cannot believe it would weaken the army. In England where pacifism and conscientious objection have been strong, the conscientious objectors were 2.2 percent of those registered in October, 2.17 percent of those registered in December. (Parliamentary Reports, vol. 356, no. 12, col. 196 for Jan. 18, 1940.) It is interesting to see how the percentage decreases as the crisis becomes more severe. As the war came nearer to invasion, the objectors decreased to 1.3 per cent of those registered in April (Peace News, London May 3, 1940), or 1.9 percent, of all those registered up to February 1940, which is the latest official war register figures that I could get (War Register, vol. XVLI May, 1940, p. 20). I cannot, I say, believe that even such numbers as these would handicap the Army of the United States.

If adequate provision is not made for the consciences of these people, tragedy is going to result. There will be personal tragedy for the individuals, of which I wish to speak a moment. There will also be tragedy for the nation. Many of these objectors, unable to face the social and moral consequences of standing out will submit contrary to their consciences. Gentlemen, does anyone think that men fighting in violation of their consciences and in repudiation of their God as they have honestly conceived Him and believed in Him will make good soldiers? They will make wretched soldiers. At civilian jobs serving their country with the high degree of devotion that the ones I have known among these people have, they are capable of great usefulness to their nation. That usefulness and devotion will be lost during wartime, when we need every ounce of devotion, not through the choice of these men, but through the choice of this Congress. But worse, the breaking of their spirit and of their devotion to their ideal will kill in them for the peacetime future, as well, the best part of them. They will become men broken in spirit, cynical, disillusioned, not the best citizens of a democracy. If the time permitted, I could illustrate what the last war did to such men, but to a much smaller number than will be affected this time.

The Chairman: Do you not think you are making them a preferred class?

Dr. Beale: I do not think so. I think we are merely protecting liberty and conscience, which we all say we believe in, if we exempt the genuine, conscientious objector on the ground of conscience. I would establish tests to eliminate from the protection of the law those whose objections are not genuine.

Many of the conscientious objectors will stand out against the law, will persist in putting loyalty to God above loyalty to their country's laws.

These men will appear to men who disagree with them unpatriotic, unreasonable, perhaps pigheaded. But, they are not cowards. If anyone wishes to know what it took to be a conscientious objector in the last war, let him read the record. But to the nation, the tragedy is that these men, actually devoted citizens and potentially useful ones, will be broken in spirit by the experiences they will suffer in the jails of a country fighting for the same freedom that they are asking, even in wartime.

It is a terrible thing for a man of devotion and high principles who loves both his God and his country, to be told that he must choose between them. There are some of the finest boys in the nation unable to sleep nights worrying over the tragedy that awaits them whichever way they resolve this hideous dilemma that they may have to face, and worrying and struggling as how to try to meet it.

The American Civil Liberties Union, which I represent, maintains that to force upon men of this sort the choice of this bill, in its present form, confronts them with, is unnecessary, unwise, and un-American.

I would like to speak for just a moment from my own experience. I have taught for some fifteen-odd years in various parts of the country: At Harvard, at the University of Chicago, at New York University, At Grinnell College in Iowa, and at Bowdoin College in Maine. I have now been 5 years at the University of North Carolina.

I think that the experience I have had indicates I have had a sampling of the thinking of boys in the northwest, south, and some of our big universities, and some of our small colleges. I have been tremendously interested in these boys, and I went into teaching at financial sacrifice in comparison with friends with whom I grew up because I hoped that by the teaching of American history, of American ideals, I could perhaps render service to my country through the creation of better citizens by helping youth to understand American ideals through a study of American history.

Now I do not like to be put in the position of letting those down who have taken the American ideal of liberty of conscience seriously. I have had an interest in these boys as human beings. The majority of college boys, I think, are rather easy-

going, rather indifferent, interested in social festivities, athletics, and equipping themselves to command a good salary. A small but, I think, Mr. Chairman, a growing group of boys, in each class every year I have taught have been seriously concerned for the welfare of their country. In my own student days there were a group of us who were determined to serve our country. We were not interested in prestige, and fame, and honors, and money. We were interested in doing some kind of public service. In recent years as the world has grown grimmer, mankind one way or another has grown. The point I want to make, from my knowledge of these university boys, and it is these boys I want to speak for particularly is that the percentage of these fine citizens, devoted to public service, is probably higher in the group of conscientious objectors to war than in any other citizen group I know, and I have had 15 years of intimate experience with college boys.

Now, it seems to me that we ought to use this devotion instead of imprisoning it or destroying it.

As I listened yesterday to the hearings, and the Senators' questions, I was convinced that the Senators present were not acquainted with this small but fine group of boys who have taken their religion, as well as their patriotism, seriously enough to be willing to make sacrifices for both. I assure the Senators that did they know them, they would recognize in them some of their finest American boys. The Senators yesterday seemed unaware that they were small groups of our best citizenry in each of the religious denominations who are as sincere and honest and determined in their religious objection to war as are the Quakers, for whose position the Senators yesterday expressed respect. I am not here to antagonize. I am not here to fling at the committee high-sounding pronouncements. If there were time I would rather just talk with you than read a paper; but I can say what I want to say more certainly within the time limit in a paper.

I am here to speak for a small and unorganized group of our best citizens especially numerous among our present college generation and our recent graduates. There are in each of the religious denominations groups such as the Episcopalian Fellowship Against War that stand on religious grounds for non-participation in war. Most of the religious denominations have made provision for registration of conscientious objectors and have gone on record as determined to stand by the minority members of their faith whose reading of the teachings of Jesus have made them conscientious objectors to war.

The denominations that have done so include: Northern Baptist Convention, 1936; The General Council of Congregational Christian Churches, 1939; Church of the Brethren, 1935; Disciples of Christ, 1933 and 1939; Evangelical Synod of North America, 1934; Methodist Church of America, 1939; Presbyterian Church in the United States, 1934; Protestant Episcopal Church, 1934 and 1937; Reformed Church in America, 1939; American Unitarian Association, 1933; Executive Committee of the Federal Council of Churches, 1930; The Oxford Conference on the Church, Community, and State, 1937; World Council of Churches, 1939; United Lutheran Church in America, 1940; The Society of Friends; The Mennonite Church.

Now, that is a pretty solid percentage of the organized religions of the country that have gone on record not in favor of conscientious objector for the majority of their members—because the majority of their members do not have conscientious objections to war—but for protection, if war comes, of those minority members of their faith who do have conscientious objection to war.

That is what the list that I read represents.

Now, I would like to put into the record, if I may, those resolutions:

Statements of Various Church Bodies on the Problem of the Conscientious Objector

Northern Baptist Convention

Convention, May 23, 1936: "We reaffirm our belief in the right of conscience to refuse to bear arms or submit to military training."

Convention, 1934: "We believe . . . that since Baptists have always stood for the supremacy of conscience, and in view of the fact that our government has, in recent years, imposed the test of military science as a qualification for citizenship, we are convinced that the time has come to call upon our pastors and people to defend in the pulpit, before school authorities, and before the courts when necessary, all Baptist students who for conscience sake refuse to submit to military training in high schools, colleges, and universities; and that we ask our governments, Federal and State, to grant these persons and all other conscientious objectors the same rights of conscience as now enjoyed by the Society of Friends."

Congregational and Christian Churches

June 1939: "Be it resolved, That the General Council of Congregational and Christian Churches make representations to the United States Government asking that those members of the said Congregational and Christian Churches who wish to do so be permitted to register as conscientious objectors to participation in any of the activities of war and that their objections be recognized as valid by the United States Government."

Church of the Brethren

Annual Conference, 1935: "As a people we have opposed wars at all times throughout the entire history of over 225 years and we have stood with equal consistency for constructive peace principles in all relationships of life. We hate war because we love peace, our way of life at all times. It has been the practice of the church throughout the years to require of applicants for membership a pledge not to engage in war nor learn the art of war. In our constant attempt to be truly devoted to the highest interests of our country, we have recognized that our supreme allegiance is to God, and we believe that recognition commits us to the highest standard of Christian citizenship by which we can serve our country and our God. We believe a Christian regard for other peoples increases rather than decreases our respect for and our attachment to our nation."

Annual Conference, 1932: "The fundamental ground of our opposition to war is religious and ethical. Our position is one which attaches to the inherent nature of right which grows out of an abiding consciousness of the individual's obligation of what the enlightened soul ought to be. The Christ way of life revealed in the Holy Scriptures, the voice of conscience revealed in the soul, make our participation in war under any and all circumstances impossible."

Disciples of Christ

International Convention, October, 1933: "Resolved, That this international convention of the Disciples of Christ, meeting in Pittsburgh, Pa., October 11-16, 1933, in recognition of the personal conviction of a considerable number of Disciples of Christ, file with the proper authorities of the Government of the United States of America, a statement of fact that there are within the membership of the Churches of Christ individuals who, as conscientious followers of Jesus, cannot take active part as combatants in any military warfare, and request that these individuals be granted complete exemption from military service on the basis of this conviction of Christian faith."

Evangelical Synod of North America

Special General Conference, 1934: "The general conference petitions the Government of the United States to grant to members of the Evangelical Synod of North America, who may be conscientious objectors to war, the same exemption from military service as has long been granted to members of the Society of Friends and other similar religious organizations."

The Methodist Church of America

1939: "The Methodist Church, true to the principles of the New Testament, teaches respect for properly constituted civil authority. It holds that government rests upon the support of its conscientious citizenship, and that conscientious objectors to war in any or all of its manifestations are a natural outgrowth of the principle of good will and the Christian desire for universal peace; and that such objectors should not be oppressed by compulsory military service anywhere or at any time. We ask and claim exemption from all forms of military preparation or service for all conscientious objectors who may be members of the Methodist Church."

Presbyterian Church in the United States of America

General Assembly, May, 1934: "We proclaim our adherence to the principle that Christians owe allegiance to the kingdom of God that is superior to loyalty to their own country, and that in any matter in which the laws of their country conflict with the commands of God, they must assert their duty and right to 'obey God rather than men.'

"We direct the board of Christian education to record the signatures of young people of our constituency who object to war on the grounds of their religion to a declaration to that effect, in order that their objection may be a matter of record and they may so receive the full support of the church."

Protestant Episcopal Church

General Convention, 1934: "Whereas the house of bishops in its pastoral letter issued from Davenport stated that it is the duty of Christians to put the cross above the flag and in any conflict of loyalties unhesitatingly to follow the Christ, and

"Whereas we desire that all Christian people who, though willing to risk their lives in noncombatant service, are unwilling for conscience's sake to take human life in war, and shall have signified their intention by placing themselves on record at the national headquarters of their respective churches, as accorded by the United States Government the status in fact accorded members of the Society of Friends as respects military service. be it

"Resolved, That a commission of 6 bishops, 6 presbyters, and 6 laymen be appointed by the presiding bishop and the president of the house of deputies to perform the following duties:

"1. To petition the Congress of the United States for such legislation as may be necessary to secure the status in fact accorded members of the Society of Friends for all Christian men who, though prepared to risk their lives in noncombatant service, are prevented by their conscience from serving in the combatant forces in the United States.

"2. In the event of such legislation, to make provision for an accurate register to be kept at the office of the National Council of such members of the Protestant Episcopal Church as are conscientiously unable to serve in the combatant forces in the United States."

General Convention, 1937: "Resolved, the house of bishops concurring, that the commission on noncombatant war service be continued, with instructions in cooperation with other religious bodies which have passed similar resolutions to press for the enactment of legislation as proposed by the General Convention of 1934."

Reformed Church in America

1939: "We recognize, in the event of war, the right of any minister or communicant member to follow the leading of his conscience before God concerning his support and participation in any armed conflict, and agree sympathetically to support and protect him and his right in event of his taking such a stand."

American Unitarian Association

Annual meeting, 1933: "Whereas the attitude of our churches toward such of their members as shall for conscientious reasons refuse military service is a matter of vital importance; and

"Whereas various communions have declared themselves, including our sister churches of the Congregational order of the State of Massachusetts, who, at their recent annual meeting passed the following resolution:

"Resolved, That the State conference declare its judgment that it is entirely consistent with the historic principles of the Congregational-Christian faith for members of our churches to refuse on conscientious grounds to participate in any warfare"; and be it

"Resolved, That the American Unitarian Association in annual meeting assembled declare that it is entirely consistent with the historic principles of the Unitarian fellowship for members of our churches who are conscientiously opposed to war and participation in it to refuse such participation."

Executive Committee, Federal Council of Churches, 1930

"We believe it to be the duty of the churches to give moral support to those individu ls who hold conscientious scruples against participation in military training or military service. We recommend that the various communions take appropriate action to this effect."

The Oxford Conference on the Church, Community, and State, 1937

"Recognizing that its members are also called to live within the secular State or Nation, and that in

the event of war a conflict of duties is inevitable, it should help them to discover God's will, should then honor their conscientious decisions, whether they are led to participate in, or to abstain from, war, and maintain with both alike the full fellowship of the Body of Christ. It should call them to repent and to seek together that deliverance from the entangling evil which can be found in Christ alone."

International Conference of Lay Experts and Ecumenical Leaders Convened in July, 1939, by the Provisional Committee of the World Council of Churches

"The churches should maintain the integrity of Christian fellowship among those who differ on conscientious grounds as to the duty of participation in war. They should cultivate mutual understanding of divergent judgments and should endeavor to counteract the tendency to identify Christian pacifism with political disloyalty. They should ask of the state that no person be debarred from citizenship, or be denied any exercise of the right of religious liberty, because of conscientious refusal to participate in the use of military force."

Action of the Executive Committee of the Federal Council of the Churches of Christ in America, October 6, 1939

Bishop John Porter Remington, of the Protestant Episcopal Church, presented an overture from the Episcopal Commission on Noncombatant War Service regarding a plan for permitting conscientious objectors in all churches to render certain kinds of noncombatant service instead of bearing arms in the event of war. Bishop Remington outlined a proposed bill and asked that, if the bill were introduced into Congress, the Federal Council would give it its moral backing. After discussion was voted: To approve in principle the stated purpose of the bill presented by the Protestant Episcopal Commission on Noncombatant War Service and refer it to the Department of International Justice and Goodwill for study and conference, requesting recommendation at the next meeting.

Text of prepared bill as presented to the executive committee by Bishop Remington:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the National Council, presbytery, classis, synod, annual conference or other ecclesiastical governing body or agency of any well recognized sect or organization in the United States of America be authorized to establish at its national office a registry of those of its members in good standing whose religious principles forbid them to participate in combatant service in time of war, but who are willing to engage in noncombatant service involving danger to life and limb. In the case of the enactment of any law subjecting citizens to draft for service in war, persons so registered shall be drafted only for noncombatant service which may involve danger to life and limb and shall be exempt from service in the combatant forces of the United States.

"The President is authorized to declare what shall be deemed to be noncombatant service of the character hereinabove described. Nothing herein contained shall deprive any draft board or other agency having like functions from inquiring into the good faith of any person registered as hereinabove set forth.

"Sec. 2. That the Secretary of War shall prescribe such regulations as may be necessary to carry this act into effect. Any national religious body as hereinabove described which desires to establish such a registry shall submit an application therefor to the Secretary of War for his approval as complying with the terms of this act.

"Sec. 3. This act shall take effect immediately."

A delegation of the churches conferred on November 9 with Attorney General Frank Murphy. The delegation included Bishop G. Bromley Oxnam, of Boston; Dr. Oliver J. Hart and Mr. Coleman Jennings, of Washington, D. C.; Dr. Dwight Bradley, of the Congregational Council for Social Action, and Dr. Walter W. VanKirk, of the Federal Council's Department of International Justice and Goodwill.

Dr. Van Kirk presented to the Attorney General a copy of the draft bill which had been laid before the Federal Council's Executive Committee on October 6. In addition to the following telegram from the House of Bishops of the Protestant Episcopal Church was turned over to the Attorney General:

"Resolved, The House of Bishops of the Protestant Episcopal Church, in session at St. Louis (November 8, 1939), acknowledges with gratitude the cooperation of the Federal Council in an effort to secure for all organized churches the right of individual members to register for noncombatant service in the eventuality of the United States being drawn into war. We urge immediate consideration by the Attorney General of the bill proposed by our general convention that it may be introduced into Congress before any draft regulations are drawn up. We regret the inability of any of our bishops to be at conference with Attorney General November 9, and take this means of reaffirming and supporting the expressed will of our church, as adopted in general convention."

CHARLES L. PARDEE,
Secretary.

Action of the Executive Board of the United Lutheran Church in America (1940)

The executive board of the United Lutheran Church in America has been officially requested, by the Board of Social Missions and by the Conference of Synodical Presidents, to define the position of the Church with respect to the rights and duties of Christian citizens, particularly in the emergencies of war.

The position of the United Lutheran Church in America, based upon the Scriptures and interpreted by its confessions, may be summarized as follows:

1. It is the function of the Christian Church to proclaim the Gospel of Redemption and Peace.

2. It is the duty of the Christian citizen to obey and support lawful government. Concerning such duty we hold—what is plainly taught by Scripture and stated in the Church's Confessions—that "lawful civil ordinances are good works of God . . . it is right for Christians to bear civil office to sit as judges . . . to engage in just wars, to serve as soldiers, to make legal contracts, to hold property, to make oath . . . save only when commanded to sin, for then they ought to obey God rather than man." Augsburg Confession, Article XVI. Romans 13: 1-7; I Peter 2: 13-17; Titus 3: 1; Matthew 22: 17-21; Acts 5: 29.

3. We hold that a justifiable war not only may be possible, but that the Christian citizen is in duty bound to bear arms and to offer his life if need be in defense of his country.

4. We believe that the conscience of the individual, informed and inspired by the Word of God, is the final authority in determining conduct. Acts 5: 29. Conscientiousness is one of the essential virtues of good citizenship. Therefore, under this evangelical principle of freedom of conscience we recognize the individual right to conscientious objection to service in a war. Such recognition does not imply the Church's approval of such conscientious objection but does proclaim its devotion and respect for the Scriptural principle of the supreme moral responsibility of the individual conscience. Acts 5: 29. As the exponent and defender of Christian principle the Church must respect and safeguard the Christian in his right to the honest exercise of that responsibility. The obvious difficulties involved, such as the abuse of the principle by hypocrites using conscience as a cloak for cowardice, do not excuse the Church from its sacred obligation of defending the principle at stake. They do challenge the Church to special care in judging the spirit and motives of those who may call upon the Church for safeguarding in such a position. They also challenge all Christians to a heart-searching study of what the Word of God and the witness of the Church teach concerning the duties of the Christian citizen to the State. We reiterate that duty to be loyal support and service to the nation whose protection and benefits he enjoys.

Action of the International Convention of the Disciples of Christ (1939)

"As a free and democratic fellowship, the Disciples of Christ recognize the right of individuals to follow their own consciences in matters of practical conduct. Inasmuch as convinced Christian pacifists constitute an unpopular and misunderstood minority, we reaffirm at this time our respect for them and their position, and pledge our assistance to any who may face persecution or privation because of their pacifist convictions.

"In order that Christian pacifists among us may have an opportunity to record their convictions as to participation in war, we urge that provision be made for an early enrollment of all conscientious objectors within our fellowship. We also recommend that the Department of Social Education and Social Action of the United Christian Missionary Society begin immediately to confer with the Friends and with other strongly peace-minded bodies of Christians with a view to determining now the types of constructive, sacrificial service in which pacifists may engage."

Copy of Letter Presented in Person to President Roosevelt by Representatives of the Historic Peace Churches

January 10, 1940.

Dear Mr. President:

. . . If, in spite of all efforts to maintain neutrality the tragic day should come when our beloved nation is drawn into war, we should expect to continue our work for suffering humanity, and to increase its scope because of the greater need at home and abroad. Such service would permit those whose conscientious convictions forbid participation in war in any form to render constructive service to their country and to the world. We appear today chiefly to discuss with you plans to provide for this alternative service as it may relate to possible conscription, reserving the privilege to offer at a later date a supplementary memorandum dealing with other types of conscientious objectors.

As you know, in the last war the United States Government finally authorized such nonmilitary humanitarian service to be substituted for military service, and furloughed conscientious objectors to this relief work or to farm labor. But this arrangement was provided only after months of confusion and distress, and only after repeated conferences between our representatives and officials of the War Department, because of the lack of any previously established policy. Since we understand that plans are now being formulated for mobilization of the nation's manpower if war should come, and since the need for dealing with conscientious objectors would again emerge to confront government agencies, we venture to suggest the advantage of advance discussion of the problem with the appropriate officials. We should much appreciate the opportunity for such discussion and are prepared to make concrete proposals to such officials regarding procedures for handling conscientious objectors and types of service which might be provided. In this connection we also venture to suggest the desirability of again setting up a civilian agency for dealing with this problem. There is a precedent for this in the action of President Wilson in 1918.

We have come to you, Mr. President, with these requests, because our previous conversations with you have persuaded us that you both understand and appreciate the position of the historic peace churches. Our desire is to cooperate in finding the best solution to the problem of the conscientious objector, and it is even more to render as loyal citizens of the highest type of constructive service we can to our country and to the world.

Faithfully yours,

Rufus Jones, Walter C. Woodward, for the Society of Friends; P. C. Hiebert, Harold S. Bender, E. L. Harshbarger, for the Mennonite Church; Rufus D. Bowman, Paul H. Bowman, for the Church of the Brethren.

Here, Dr. Beale read into the record long excerpts from a document by Henry Carter (London), re: The Status of the Conscientious Objector in England.

Dr. Beale: There are also certain peace organizations, such as the Fellowship of Reconciliation, membership in which attests conscientious objection to war, long established, and registered, but organizations that are not of a religious nature.

Some of these objectors, of all groups, cannot conscientiously do anything but "civil service under civil control", to quote the British act; others feel that they could do "noncombatative" military service. Both groups are honest, good citizens, and need protection, that is, the ones who are genuine among them.

These men I am speaking of do not want to shirk responsibility. Just try them out. Give them a hard and unpleasant job of a civil-service nature that is constructive and useful to their country, and see how cheerfully and how well they will do it.

I feel certain, Mr. Chairman, that, if they were given necessary jobs to do for their country, that they could conscientiously perform most of them would throw up their college training or the jobs they are doing and the salaries they are receiving, and would do these public-service jobs for a soldier's pay, even in time of peace. I think there is that devotion among these groups of people I speak of.

APPENDIX

I wish the Senators would, after the adjournment for the convention, bring in a few of these college-boy conscientious objectors, and not put them up and have them read papers at you, but talk to a few of them individually snd see what manner of boys they are. You will be proud of them. They are some of our finest boys. I think they would speak for themselves if you sat down at a table with them and you could just see what sort of people they are.

Now, in concluding, I want to speak in the name of Americanism. It was Thomas Jefferson who wrote the Virginia bill of religious liberty; it was Thomas Jefferson who, in one of the greatest documents penned by man, said:

"Let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained but little if we countenance a political intolerance as despotic, as wicked, capable of as bitter and bloody persecutions."

Jefferson was talking of acts passed by a Federalist Congress in time of war to defend our nation, but acts soon repealed through popular revulsion that swept Jefferson into office. Jefferson continues:

"If there be any among us who will wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.

"I know that some honest men fear that a republican government cannot be strong. . . . I believe this government on the contrary the strongest on earth."

And he goes on to explain that he believes this because it has the voluntary devotion of its citizenry.

And, in times of war, there was not conscription under Thomas Jefferson and his successor, James Madison. who carried out his principles.

Gentlemen, you cannot coerce conscience, but you can use the devotion that lies behind it. There have been times when devotion to a higher law than that of country has won honor in this country. I am an American historian. I could cite you many honored names, honored because of devotion to an ideal they regarded as higher than the man-made law under which they lived at the moment. Among them you will find such men as Patrick Henry, John Adams, George Washington, James Madison, Daniel Webster, Robert E. Lee, Abraham Lincoln, and Thomas Jefferson. All these men at one time or another, because they believed in the validity of a higher law than the law of their country, defied or broke the laws of their country. These men loved their country no less because they felt devotion to a "higher law"; but under this bill we are imposing jail sentences on people who place their devotion to conscience above that to their country.

I abhor the principles that dominate Germany today. I want to see Hitlerism overpowered. But you cannot conquer it if you let it conquer you in the process. If at the first step we destroy liberty of conscience and force upon conscientious and devoted citizens the dilemma this bill as at present worded creates, you have already lost the battle for freedom. But I do not believe it necessary to create that dilemma in order to defend the country.

Senator Minton said yesterday he put country above God, if they were in conflict. Mr. Libby, a Quaker, said he must put God above country if they conflicted. It is the essence of democracy to allow both men freedom of choice in following their consciences.

I am not talking about their opinions. I want to make that clear. But I am talking about their consciences, their faiths.

In Germany such freedom is impossible. In England it has been meticulously preserved, even in a draft law. I do not want to see America adopt Hitler's method. I want it to adopt the British and the true American method. Let's not follow Hitler's example. Let's apply the teachings of Thomas Jefferson and others who struggled to make American liberty inviolable, and who thought they had made it inviolable in this country.

I will be glad to answer any questions.

The Chairman: I think you have given a very clear exposition.

Dr. Beale: I am speaking for a particular group, not in opposition to the bill, but for preservation of this important liberty in whatever bill is passed.

The Chairman: Would you say that they would object to Signal Corps service?

Dr. Beale: Mr. Chairman, it is my experience that these are matters of conscience and individual matters. I think that is one reason these people are not organized. It is not the kind of thing that you organize and get up and make speeches about. It is like your religion, a matter of a personal nature.

Now, historically, I can answer your question. Speaking historically, the Quakers, whom we all know, and whose position we all know, have taken varying stands, as individuals among them, in war, in all of our wars. There were Quakers in Revolutionary days who refused to pay taxes, I believe, because they felt that they thereby were contributing to war. I do not think any of them took that posion in the last war. On the other hand, there have been some of them who were willing to fight. There have been many who have said, "We cannot fight. We will do ambulance service." They may have done Signal Corps service, I do not know. Others of them have felt that simply asking not to do the dirty job of killing men, in order to do something else was making another man do the dirty job of killing men, and that they were merely evading the issue. These men felt that they could not do any kind of military service, combative or noncombative. Such, even among Quakers, are not provided for in the Burke bill.

There was a group during the World War, I believe—I have forgotten whether they were Russian, but I believe that they were originally from Russia —a peculiar religious sect who are excellent, good citizens, out in the far Southwest, who would not put on a uniform. When imprisoned they did prison work. When they were in the army they would not do anything. That is a matter, don't you think, of individual conscience? I mean, these are all matters of faith and conscience. It seems to me an essential part of a human being. It involves the very soul of a man and his innermost sincerity and integrity.

We do not want to protect people who have merely troubled consciences at the last minute, but I do not think before a civil tribunal, anxious to hear evidence, that there will be any difficulty of this sort, particularly if there is an appeal to the courts. I think it will be easy to tell as to the people I am speaking of, because the tribunal can hear testimony of people who are well known and who have known them to be conscientious objectors. There would not be any question about it among the people who knew them.

Does that answer your question? Thank you.

Provisions for conscientious objectors in the Selective Training and Service Act of 1940, as finally enacted, were:

Section 5-g. Nothing contained in this Act shall be construed to require any person to be subject to combatant training and service in the land or naval forces of the United States, who, by reason of religious training, and belief is conscientiously opposed to participation in war in any form.

Any such person claiming such exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the land or naval forces under this Act, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be assigned to work of a national importance under civilian direction.

Any such person claiming such exemption from combatant training and service bcause of such conscientious objections, shall, if such claim is not sustained by the local board, be entitled to an appeal to the appropriate appeal board provided for in section 10 (a) (2). Upon the filing of such appeal with the appeal board, the appeal board shall forthwith refer the matter to the Department of Justice for inquiry and hearing by the Department or the proper agency thereof.

After appropriate inquiry by such agency, a hearing shall be held by the Department of Justice with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing.

The Department shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board (1) that if the objector is inducted into the land and naval forces under this Act, he shall be assigned to noncombatant service as defined by the President, or (2) that if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of such induction be assigned to work of national importance under civilian direction.

If after such hearing the Department finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall give consideration to but shall not be bound to follow the recommendation of the Department of Justice together with the record on appeal from the local board in making its decision.

Each person whose claim for exemption from combatant training and service because of conscientious objections is sustained shall be listed by the local board on a register of conscientious objectors.

From the statement of Clarence A. Dykstra, director of the Selective Service System, before the subcommittee of the House Committee on Appropriations in connection with his budget request for the fiscal year, 1941-42.

The estimate for the fiscal year 1941 for "Special and miscellaneous current expenses" amounted to $662,850. The estimate for the fiscal year 1942 amounts to $1,500,000, or an increase of $837,150. All items contained in the estimate for 1941 have been eliminated. The estimate for 1942 is for the establishment and maintenance of a program of work to which may be assigned those persons found to be conscientiously opposed to participation in work of any form with the armed forces, and for the pay and maintenance of such persons.

It is estimated that of the 800,000 men to be inducted annually into the armed forces, there will be approximately 5,400 men who will be found to be conscientiously opposed to participation in work of any form with the armed forces. The Selective Training and Service Act of 1940 provides that in lieu of induction into the armed forces, such persons shall be assigned to work of national importance under civilian direction.

It is contemplated that the conscientious objectors will be segregated from their respective communities and placed in camps similar to those of the Civilian Conservation Corps. The work will include reforestation, soil conservation, and work of a similar nature, under the supervision of the Director of Selective Service or some appropirate governmental agency. It has been estimated by the Civilian Conservation Corps that it will cost approximately $1,000 annually to pay (at the same rates as those paid inductees) and maintain each of such persons. If the present estimate as to the number of persons involved and the cost of the maintenance of such persons is even approximately correct, the gross cost to the Selective Service System will be far in excess of the above estimate. It has been indicated that one or more of the affected religious organizations will assume a portion of the financial burden. The amount of the present estimate will permit the initiation of the project, and will suffice until such time as the actual costs may be ascertained.

From the statement of Brigadier-General Lewis B. Hershey before the subcommittee of the House Committee on Appropriations in connection with the Selective Service budget request for 1943.

Conscientious objectors.—The estimate for the fiscal year 1942 is $604,742 and for the fiscal year 1943 is $802,340, or an increase of $197,598. This estimate is based upon the expense anticipated incident to the operation and maintenance of work camps to which are assigned those registrants who have been found to be conscientiously opposed to participation in any form of work with the armed forces. The bulk of expense incurred is by suballotments to the Soil Conservation Service, Forest Service, and the National Park Service, which governmental agencies supervise the work program in each of the work camps, under the general supervision of the Director of Selective Service.

There was practically no expense incurred by the Selective Service System prior to July 1, 1941. As of August 28, 1941, there were 17 camps established

and in operation. It is anticipated that there will be 1 additional camp established each month during the balance of the fiscal year 1942 and during the fiscal year 1943, until a total of 32 camps have been established, each camp accommodating on the average of approximately 125 men. It is contemplated that the term of assignment to these camps will be patterned after any program established by the War Department for men inducted into the armed forces, and the estimate of 32 camps is based on the anticipation that an assignee will be discharged after 16 months of service. In the event the War Department deems it necessary to increase the average tour of duty beyond 16 months, it will be necessary to increase the number of work camps to provide for the additional number of assignees.

Under the present program, all expenses incident to feeding, clothing, hospitalization, and other expenses of a similar nature are borne by several of the religious organizations. The estimate submitted herein is based only on the personal services, supplies, and other items required by the technical agencies, and the building rehabilitation and maintenance which are furnished directly by national headquarters. If for any reason the religious organizations withdraw their support and financial contributions, the expense incident to the operation and maintenance of these work camps will be substantially greater than the estimates submitted.

The estimate submitted herein was arrived at by determining the approximate cost of operating the average size camp now in operation or under contemplation. The cost of the average camp, on an annual basis, is determined to be as follows:

Personal Services	$10,320
Travel	420
Communications	360
Transportation of things	720
Supplies	7,800
Repairs	4,800
Miscellaneous	300
Building rehabilitation	[1] 2,500
Building maintenance	[2] 1,100

[1] Applies only to the 5 new camps to be set up during the fiscal year 1943, on a basis of $2,500 each.

[2] Applies only to the 27 camps in operation prior to June 30, 1942, on a basis of $1,100 each.

From the statement of E. Raymond Wilson, Friends War Problems Committee, before the Senate Committee on Education and Labor regarding the proposed manpower draft.

Mr. Wilson: Mr. Chairman, if this legislation which finally emerges, will contain compulsory features, either as to registration or assignment of people to specific jobs, I want to raise, on behalf of groups like the Quakers and the Mennonites and Brethren, some of the problems that would be involved, so that this committee might try to make as intelligent a solution as to the question of religious scruples as could be done, either by legislation or administrative regulation.

There are several hundred thousand in these religious groups, that for two or three or four hundred years have maintained a testimony against war and the support of war. The three major groups are the Mennonites, who have for 400 years maintained this position; the Church of the Brethren for about 250 years; and the Society of Friends for about 300 years, and a similar position is held by some members of at least 115 denominations. They are now represented in the Civilian Public Service camps set up under the Selective Training and Service Act, which gave those men an opportunity to do work of national importance under civilian direction, as provided for in that legislation two years ago.

If compulsory assignment of manpower becomes either an administrative practice or a legislative provision, then this committee ought to recognize, in the first place, that there are some individuals who, because of really deep convictions, are opposed even to registration in connection with the war effort.

The British made provisions in their military conscription, but not in their industrial conscriptions, for what they call complete exemption, for what is oftentimes called absolutionists in this country.

Otherwise, that group of individuals does not register and is prosecuted and sent to prison for varying terms.

The one basic principle that I would urge this committee to consider would be the acceptance in general of the provision that men and women should not be compelled to do work on services against which they have conscientious or religious scruples and that the whole setup should be flexible enough that they may find their places in the total effort for national welfare in service that they could honestly do. That would vary, of course, with the individual. There is no one line that all conscientious objectors would draw.

But I think perhaps with very few exceptions, they are not anti-social. They are anti-war. And they would be glad to serve in positions of danger or significant social service.

Another consideration that many have raised is that if this legislation or the regulations involved women, that appeal boards and local boards include women, and that women shall be involved in the machinery of manpower direct.

The fourth provision, and we might benefit from the British experience, is to try to avoid, if we can, what we might call a cat-and-mouse policy so that if a man, for example, because of conscientious convictions, can't obey some regulation and is prosecuted for it, that he shall not be prosecuted two or three or four times for what is substantially the same offense. That has not happened, except in a few cases in this country, but I think it has become a more serious problem in Great Britain. I believe that legal administrative requirements could avoid that problem if they were conscious of it and tried to solve it.

Senator Schwartz: Could you give us an illustration of the instances where there were multiple prosecutions for the same offense?

Mr. Wilson: Yes. If a man does not register, because of conscientious convictions against registration under military conscription or industrial conscription, and he were to face a sentence of a year and a day, or two years, whatever it might be, then at the close of that, he were again presented with some regulation, perhaps the same, for registration, and felt he could not conscientiously do it, and then was sent to prison for what was substantially the same offense, that would be what we would call the cat-and-mouse.

Senator Schwartz: Well, if action were taken, after a man had registered through legislation, involving a program to which these conscientious objectors did not object, would they have any reason to object to the legislation itself?

Mr. Wilson: Well, if, for example, compulsory registration were imposed upon men and women for industrial conscription, if that registration provided for their being placed upon a register of conscientious objectors at the time, as is done in Great Britain, then the majority of them would not feel opposed to registration bcause they would feel that their position was made clear at the outset.

The present experience in military conscription may point to some lessons for this manpower situation. About one man in five hundred under the Selective Service Act has finally been classed in 4-E and assigned to civilian public service camps. These men are doing a great variety of work, as I will tell you in my more extended statement, which I will furnish.

More than 300 are serving in the mental hospitals, where there is an acute problem at the present time because of the drawing-away of our normal attendants. Often they are serving violent wards, where they have an opportunity to perform a very useful service. There is one unit in Puerto Rico, where our economic conditions are the worst under our flag, and they are working with the Puerto Rican Reconstruction Administration, particularly in terms of medical and public health service. Others are working on hookworm control in Florida.

In New England there is a group that has been carrying lice for experiments in trying to find easier methods for the control of the parasites, in order to work out, with the Rockefeller Foundation, a means of combatting typhus.

Two men have been drinking sea water to see how much sea water a person could really take, because that is very important from the standpoint of men who may have been victims of torpedoing, or lost at sea as Eddie Rickenbacker was.

Then a larger group are in soil conservation and forestry service and national park service.

The C.O.s have been asking for opportunity to serve in Mexico, North Africa, China and India. There are about 90 men who have been working in China, who are British, who have been ferrying medical supplies up and down the Burma Road, until it was closed, and now they are ferrying supplies between India and China, and working behind the lines there. The hope has been that they might be joined by men from this country who are trained in the Chinese language, and first aid work, the repair and maintenance of trucks and so forth.

There are three problems which were not solved by the legislation in 1940 under the Selective Training and Service Act. One was this group I have mentioned of men who have conscientious objections to registration for military conscription. The second was a group who felt that the language defining the conscientious objector was a rather narrow definition. Many men are motivated by social, humanitarian reasons which are genuine, but may not spring primarily from membership in some church.

Mr. Wilson also submitted as part of his remarks a written recommendation for the recognition of conscience in the proposed law. This stated:

There have now been two years of experience with the conscientious objector under military conscription in the United States and more than three years in Great Britain. This leads us to certain conclusions and recommendations in regard to proposals now being discussed for extension of conscription to women and to labor. We do reiterate our continued opposition on religious grounds to military conscription and conscription for war services and production.

However, if conscription is extended, either by law or by executive order, we respectfully urge that the following recommendations be given serious consideration.

RECOMMENDATIONS:

First: Both legislative and administrative regulations should be broad enough to deal with the variety of situations involved. The problem will be even more complicated if manpower legislation involves both men and women.

We are suggesting that either legislation or administrative regulations should contain some such provisions as the following:

"Provided that: Persons, who on grounds of conscience are opposed to participation in war or conscription for war service, shall be listed on a register of conscientious objectors and shall not be required to perform work or services to which they are conscientiously opposed."

Second: We believe that broad categories of service should be provided so that persons with conscientious convictions against activities directly connected with military production or the war effort, will have an opportunity of staying in, or entering, types of service in keeping with their convictions.

Third: Provisions should be made to avoid the so-called "cat-and-mouse" policy of prosecuting persons more than once for the same offense or inability to accept some regulation because of conscientious scruples. If the first two propositions were accepted, either in legislation or in administrative regulations, the "cat-and-mouse" difficulty would be largely solved.

Fourth: We recommend that women should serve on any local or appeal boards which are established under such legislation which might involve the conscription of women.

It seems to us that such legislation should include a recognition of the fact that some persons, because of deep and sincere convictions, will feel unable either to register, or to accept compulsory assignments to specific jobs at the direction of the state. While this group is small, we believe they should be given consideration and exemption on proper evidence of their sincerity. The British Government did provide for unconditional exemption from military service for so-called "absolutists" which was more liberal than the American Selective Training and Service Act, but failed to provide for such exemption in their manpower regulations. The United States might provide a more democratic answer to this admittedly difficult question than the British Government. Practically, of course, it would be a sensible provision, because what does the nation gain from sending persons to prison for conscience's sake?

We believe as a general policy, that every attempt should be made to benefit from the experience in Great Britain, New Zealand, and Australia, in order to provide legislation that will permit persons to serve the national welfare in line with their deepest convictions rather than to have them in prison because of failure to provide for conscientious scruples in accordance with our national tradition of religious liberty.

Here Mr. Wilson briefly outlined the provisions for conscientious objectors in the United States, Great Britain, Canada, Australia and New Zealand.

APPENDIX

From the statement of Robert Yarnall, Society of Friends, Germantown, Pa., before the Senate Military Affairs Committee in respect to the rights of conscience in the Austin-Wadsworth Bill, 1943.

Mr. Yarnall: We believe that this is a very far-reaching bill that you are proposing, and we would urgently and patiently protest against it. If it must go forward I would like to leave with you this statement which represents our Quaker position, and if it must go forward we would have some provision such as this inserted in the bill:

Provided: That persons who on grounds of conscience are opposed to participation in war or conscription for war service shall be listed on a register of conscientious objectors and shall not be required to perform work or service to which they are conscientiously opposed.

We respectfully ask that if this thing must go forward, that some such provision be made for those who conscientiously, though sincere and devoted citizens of this great republic, conscientiously cannot go against their God-given conscience.

And that is the last note that I will leave with you today, that if it must go forward may there be some provision that will take care of not only the conscientious objectors of the Society of Friends, but those other individuals in our country who feel this same philosophy predominates.

Statement of Paul Comly French, executive secretary of the National Service Board for Religious Objectors, before the Senate Military Affairs Committee, March 27, 1943.

I would like to register our opposition to the whole theory of conscription as we did in the summer of 1940 when the present draft act was under consideration by the Congress. We are opposed to conscription basically because of our religious conviction that each individual should have the right to serve God in the way that seems best to him. We believe that conscription prevents the free exercise of this relationship which should exist between God and man.

If the Congress enacts the proposed legislation, however, we believe that adequate provision should be made for the recognition of conscience. We think that the legislation should be broad enough at this point to deal with the variety of situations that will be involved. We suggest that a provision be included which would read about as follows:

Insert in section 7, a new point 10: "Provided, That persons who on grounds of conscience are opposed to participation in war or conscription for war service shall be registered on a register of conscientious objectors and shall not be required to perform work or service to which they are conscientiously opposed."

It would seem to us that this provision would be a clear recognition of the right of conscience for which America has always stood, and that administratively, it would provide the simplest method of handling this difficult problem. If such a provision is included in the act it should be possible to work out with the administrative agency charged with the responsibility of administering the act the necessary broad categories of service which would be available for persons who felt conscientiously able to serve in various phases of the national life.

We believe that if the Congress approves this legislation, provision should be made to place women on all local selective service boards and on appeal boards which have jurisdiction over the conscription of women.

Conscientious objectors as a group are willing to serve the nation in ways consistent with their conscientious convictions, and many would be willing to serve in public health, social welfare, cooperatives, relief work, hospitals, nursing, and in community educational and religious services.

There is a group, however, that will feel unable to accept conscription when it is part of a military measure. We are convinced that provision should be made for this group through the complete exemption such as now exists in the British law for persons who feel unable to register.

If such provisions are not included in the act, there will be a number of persons who will feel compelled, with reluctance, to refuse to comply with the law and the government will then have the problem of prosecuting them and retaining them in prison. It is our conviction that the confinement of persons in prison because of their conscientious convictions is a wasteful procedure in these days of shortage of manpower, and that such a course is not the best solution of the problem.

One of the basic concepts of democracy is its willingness to recognize minority viewpoints and to respect honest differences of opinion and religious conviction.

Under the present National Training and Service Act, provision is made for conscientious objectors "who, by reason of their religious training and belief, are opposed to participation in war in any form." This phrasing does not provide for the group of philosophical, ethical, humanitarian, and moral objectors to war, and it is our opinion that the Congress would be well advised to broaden the scope of the meaning of religious training and belief to include this group. Persons who fall in this category have no formal membership in religious bodies, but have deep convictions, which, according to all dictionary definitions of religion, place them within a broad interpretation of the meaning of training and belief.

Under the present act, about 6,500 men to date have been assigned to civilian public service camps where they are engaged in forestry, soil conservation, food production, park service, and similar work. Nearly 1,000 men are engaged as attendants in mental institutions where the shortage of manpower is acute. Others are working with the Public Health Service in an attempt to eradicate hookworm in Florida. Another group is working in rural Puerto Rico on a sanitary and hospital project, while a number of men are engaged in heat and altitude tests as well as in learning the quantity of salt water a man can consume, and the possible control of typhus through a control project of lice-carrying.

PAUL COMLY FRENCH, *Executive Secretary.*

Article from the Washington Daily News, June 4, 1943, read into the record by Congressman Starnes, in connection with the Military Establishment Appropriation Bill for 1944.

The first group of conscientious objectors scheduled for work outside the United States will be sent within a few days to do relief work in Chungking, China, which has received an average of two bombings a day for 4 years.

First contingent will consist of 10 young men. Some 60 others will follow. All have been training for several months at Haverford College, Quaker school in Pennsylvania, in public health, first aid, mass feeding, maintenance of motor vehicles, and background and languages of the area in which they will work.

At instigation of the National Service Board for Conscientious Objectors, a central organization maintained by the churches from which the majority of conscientious objectors come, Maj. Gen. Lewis B. Hershey, Selective Service Director, has agreed to permit the training in relief and rehabilitation work of not more than 4 percent of the 6,100 conscientious objectors.

The service board plans to send some 40 to 50 men to each of 4 or 5 colleges for such training. These men agree to serve for the duration of the war plus 2 years. All expenses are borne by the churches. They receive nothing from the government.

The Chungking project was approved by President Roosevelt and it is reported to have been the brainchild of Mrs. Roosevelt, who has many Quaker friends.

It also resulted from a feeling among some conscientious objectors that the work assigned to them —reforestation, erosion control, and projects which the Civilian Conservation Corps formerly engaged in —does not constitute work of national importance, which the law says they shall be assigned to.

Danger seems to mean little to some conscientious objectors. Volunteers for the Chungking project overfilled the quota many times. So were calls for parachute fire fighters now working near Missoula, Mont., under direction of the Forest Service; these men, 60 of them, are dropped near forest fires by planes, extinguish the fires, and then walk back to their camps.

There is little more hazardous work than dropping by parachute in wooded country where the chute is liable to get fouled in the branches of high trees. Some men have been 10 days getting back to camp after being dropped near a fire.

Some conscientious objectors have a change of heart, once they have been assigned to camps. Three hundred and five of them have joined the army, either as field troopers or as noncombatants.

And from the Washington Times-Herald of May 8, 1943:

WHILE SAVING THE WORLD

(By Frank C. Waldrop)

See if you can puzzle out the right and wrong of this one: There are about 6,100 conscientious objectors now tucked into obscure camps around the United States under the command of Maj. Gen. Lewis Hershey, the Chief of Selective Service. Because of their religious scruples they are excused from the soldier's life, but still they are under a soldier's command and in the final analysis are bound by all the parts of military discipline, including the Articles of War.

Some of them are doing important scientific and other useful work, but most are on just semi-Work-Projects-Administration stuff and farming. Some of these men have special talents that need to be used, somehow better.

Judge Samuel I. Rosenman, the President's confidential idea man, has thought up a big job for all the conscientious objectors, and it is now being put into effect. As fast as possible, those who can qualify and will volunteer for it will be sent to college at government expenses and trained to work all over the world for the United States relief expeditions now being organized under direction of Herbert H. Lehman, former governor of New York State.

Following are the facts as furnished by Col. Lewis F. Kosch, chief of the Camps Division of Selective Service, and by Paul C. French, a civilian aide of his who will supervise the program in detail.

A central office is being set up at Philadelphia by Relief Director Lehman. Through that, volunteer conscientious objectors who otherwise qualify will be passed on to Harvard, Yale, Princeton, Swarthmore, the University of Pennsylvania, and perhaps one or two more eastern colleges.

They will be educated for 6 months or a year on taxpayers' money, majoring in public health, languages, governmental administration, and similar work. They will be required to sign an agreement to go wherever Lehman sends them and stay with him for at least 18 months after the war's end—2 years in the case of men assigned to China. (That, incidentally, also gives you an idea of at least how long we will continue spending our money for world saving after the war.)

First, you know, we have to take a country back from the enemy.

Then up moves the corps of military governors now being trained at the University of Virginia. These gents take charge of the policing and management of areas captured by the fighters.

And following the military governors will come Governor Lehman's army of many tidy-uppers, including the conscientious objectors aforementioned, all trained and ready to put the conquered nations back in order.

A few questions naturally occur to anybody who considers all this a moment. How much will all this cost? How long will it go on? Will the Lehman men be paid army wages or what? And will they get private's pay, sergeant's, or what?

Will they be asked ever to repay the government for the education it will have given them?

On the face of it, they are just being set up in good jobs, perhaps for life.

Judging by all the signs, Lehman's outfit is not going to be a mere temporary project to ease the worst moments of famine and disorder, but will continue on as the biggest, permanent world-saver of them all. Nice spot for a man with a poor future otherwise.

APPENDIX

Conscientious objectors are human beings like all others, and some of them are men of special talents and ability. Should they be kept in these camps at farm work and such, or should they be salvaged according to the Lehman plan? What is fair?

Before you leap to conclusions you may as well know that high policy-making officials in Selective Service are not so sure about it all, regardless of Judge Rosenman and Governor Lehman.

They fear the majority reaction may follow that of a lady to whom this writer told the foregoing facts yesterday.

She has two sons in the army. One of them volunteered within a week after Pearl Harbor. The other followed as soon as he recovered from a major operation he had to undergo before he was physically qualified to pass the army tests.

Said she: "My boys would like to go to college, too. They would like safe jobs for 18 months to 2 years after the war in something like this of Lehman's. I hope I see my boys after this war is over, and I hope I never have to sit in judgment on these other cases."

What do you think is the right way to handle these conscientious objectors? Should they be sent out with Lehman? Should they be ordered into noncombatant work of the army—doing clerical, medical, and quartermaster duty?

Or should they be left where they are? Let's see some reactions in the Voice of the People.

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